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ABSTRACT

A guide to mutual gains bargaining (MGB) is presented for faculty union leaders and college administrators, as well as school systems. MGB is based on applied behavioral sciences concepts and the use of bargaining teams and emphasizes problem-solving and improving communications and campus relationships. Two different uses of the mutual gains concept are described: (1) work by a neutral third party on-campus to help renegotiate a contract and (2) a workshop with three unionized campuses. Theoretical bases for MGB are considered, with attention to intergroup competition and attribution, integrative bargaining and distributive bargaining, and intraorganizational bargaining. For each topic, a fictional dialogue at the negotiating table or in caucus is presented, followed by a nontechnical summary of theory, and exercises or simulations. This format is also used to introduce the following skills for MGB: problem-solving, issue control and fractionating conflict, organizing, and using dual-track governance. The Academic Bargaining Questionnaire is presented, along with information on use of the results, which help campus groups assess their bargaining relationship and ways to make bargaining more constructive. Finally, steps to implement MGB are covered. (SW)

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THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS
Campus at New Brunswick

Cooperation in Academic Negotiations

A Guide to Mutual Gains Bargaining

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Professor Begin is an active arbitrator in both the public and the private sectors and serves as a mediator, interest arbitrator, and fact finder in public sector disputes. He is a member of dispute resolution panels under the auspices of the American Arbitration Association, the Federal Mediation and Conciliation Service, and the labor relations boards of three states, and is an elected member of the National Academy of Arbitrators.

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Professor Birnbaum has served as vice chancellor of the City University of New York, vice chancellor of the New Jersey Department of Higher Education, and chancellor of the University of Wisconsin–Oshkosh. In addition to experience on the administrative side of the bargaining table, he has directed research supported by the Fund for the Improvement of Postsecondary Education to develop creative approaches to making ongoing academic bargaining relationships more constructive.

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Author's Note

We think it is important to include a brief comment about how this book was put together. Although each author was responsible for preparing drafts of specific chapters and sections, the book, like the Mutual Gains Bargaining workshop that preceded it, is in all respects the result of a true collaboration. We have worked together on developing, drafting, and criticizing ideas, materials, and pedagogy to such an extent that in most cases we would be hard pressed to identify which of us is individually responsible for the total contents of any specific paragraph. We have each taught, and learned from, the others in this joint authorship. We hope that those who read the guide will gain as much from it as we have in its preparation.

Chapter 1

An Introduction to Mutual Gains Bargaining

This is a book about mutual gains bargaining (MGB). We call it a guide because we intend it not merely to be *read,* but to be used as a resource on unionized campuses by faculty union leaders and college administrators who want to make bargaining more productive.

As of 1983, there were over 400 bargaining agents representing faculty on more than 800 college and university campuses across the country. On many of these campuses, union and administration leaders have successfully managed to integrate faculty collective bargaining into their governance systems in a manner that strengthens and supports institutional programs and goals. On other campuses, however, bargaining has led to animosity and disruptive conflict. Faculty and administrators on these campuses may have come to regard each other as adversaries, and in the exclusive concern for achieving their own objectives, both sides may have increasingly lost sight of their common goals as educators. The purpose of MGB is to help colleges in this situation improve the quality of their bargaining so that it becomes a more effective process for parties to satisfy their own interests while at the same time promoting institutional development.

Mutual gains bargaining is based on a conceptual approach to faculty union–college administration negotiations that emphasizes problem solving, improving communications, and strengthening campus relationships, which will lead to improved outcomes for both sides. It is an approach that we believe has particular value for campuses where union–administration relationships have become strained, bargaining appears to be nonproductive or win-lose in nature, or competitive orientations prevent the parties from working together to find mutually advantageous solutions to complex problems. Even negotiators whose previous relationships have been adversarial can learn and use these techniques as long as they mutually agree that they wish to improve these relationships.

Several important characteristics differentiate MGB from other orientations to negotiations processes and negotiator training. First, MGB is based on coherent and well-developed concepts in the applied behavioral sciences that have been successfully used in many competitive and conflict situations, including industrial relations, international relations, and organizational development. Second, MGB gives attention to not only bargaining skills, but also to understanding why these skills are successful, so that parties can adapt them to meet their own unique circumstances. Third, MGB focuses attention on training and preparing bargaining *teams* rather than on individuals. It assists teams to be more effective and helps them work productively with opposing teams to achieve mutual objectives. Finally, although designed specifically for bargaining in higher education, MGB's focus on bargaining process and skills, rather than substantive issues, makes it appropriate for use in school systems and other noncollegiate settings as well.

Mutual gains bargaining is a focused, skill-based approach to bargaining that is designed to result in bargaining exchanges that reflect greater concern with "mutuality" than exclusive self-interest. Mutual gains bargaining assists negotiating parties to understand and alter the competitive orientations created by the usual adversarial structures and processes of collective bargaining so that their relationship can become more productive.

Theoretically, MGB may be distinguished from more usual adversarial approaches to bargaining in that it is a *monitored* technique emphasizing the following:

1. Accepting the legitimacy of each side's true needs and priorities, using a mutual interest and superordinate goals perspective.
2. Minimizing coercion and exploitation by building trust.
3. Reducing inter- and intragroup conflict by relying on "positive influence" techniques, altering highly competitive attributions, and using issue-control techniques.

4. Expanding the range of alternative solutions to issues being negotiated, using joint problem-solving and long-term mutual gains perspectives.
5. Developing mutually acceptable rules for carrying out negotiations.
6. Focusing on long-term rather than short-term understandings of the gains and costs of bargaining, in terms of both resolving issues and developing collaborative relationships.

Although we recognize that the bargaining process contains inherent competitive elements that cannot be totally eliminated, MGB minimizes unnecessary adversarial approaches that emphasize "winning" and other competitive goals in order to improve the quality of the process and its outcomes.

Information on behavioral, institutional, and environmental factors peculiar to the bargaining teams in training is obtained by using an extensive questionnaire administered to faculty and administrators at their home campuses. An important part of the training is joint team analysis of the questionnaire data in terms of the insight it provides about why the bargaining relationship is the way it is and what changes are needed. A description of the questionnaire and the processes for presenting and analyzing its results are presented later.

In Chapters 3 and 4, we present simple exercises to give bargainers some "risk-free" experience with some of the new approaches that are presented and to make them more self-conscious of their usual bargaining behavior and its possible effects on the other side's bargaining behaviors. We urge readers to actually work these exercises and if possible to do so together with other members of their bargaining team. In some cases, the exercises can be profitably performed by union and administration bargaining teams working together.

Even before reading this book, some readers may have already developed erroneous impressions about MGB. We wish to confront these directly with the following comments:

- Mutual gains bargaining is *not* an alternative to collective bargaining; rather, it is a method for improving collective bargaining.
- Mutual gains bargaining is *not* an attempt to co-opt unions and reduce faculty power nor a program to weaken management rights; rather, it assists both sides to increase their influence and improve their outcomes.
- Mutual gains bargaining is *not* a "soft" approach to bargaining; rather, it is tougher and more demanding than bargaining-as-usual methods. It requires high levels of discipline and skill to avoid relying on emotional bargaining responses and instead focus attention on solving complex problems.

We can think of many reasons why administrations and unions should give careful consideration to the principles and practices of MGB. It emphasizes collaboration rather than competition, for example, and is therefore more consistent with traditional academic values than the adversarial approaches that we commonly associate with industrial bargaining. In addition, although MGB is more difficult to implement, it is also more personally satisfying to participants in the process. It also recognizes that, since the faculty and administration of a campus have to live together in the environment they create through bargaining, treating each other as colleagues rather than enemies is likely to lead to more productive future relationships.

But while each of the preceding outcomes may be desirable, our major reason for advocating MGB is more important than any of them. It is this: Both parties are likely to get more of what they want through MGB than through traditional bargaining approaches.

Although we obviously believe in the effectiveness of MGB, we do not offer it as a panacea. It has several limitations of which potential participants should be aware. First, you will remember the old joke that asks "How many California psychiatrists does it take to change a light bulb?" The answer is, "One, but the light bulb really has to *want* to change." In the same way, MGB requires that both parties find their present relationship unsatisfactory and both *want* to change it. It may be that their interaction is cordial, but not satisfying to either; or it may be that they are locked in adversarial combat that they find exhausting and nonproductive. In either case, the successful development of MGB means that, at minimum, they are both willing to enter in good faith into an experimental and somewhat risky joint activity desiring an outcome that will not only increase their own benefits but those of the other side as well.

Why, you may wonder, does an institution have to engage in a special program to do what both parties want to do anyway? The answer, as we shall discuss at greater length later, is that the disruptive processes of intergroup conflict are so potent that a mere desire for improvement is not enough. If more collaborative relationships are to be developed, the parties must become proficient in presenting and analyzing problems, in developing language that accurately communicates their intentions, in organizing themselves for constructive interaction, and in becoming more self-conscious of their bargaining behavior. This kind of training is the focus of MGB.

Second, it is difficult for two bargaining parties to implement an MGB approach by themselves. Particularly in the initial stages, it is too easy to misinterpret another's intentions, to permit conflict to escalate without realizing it,

and to return unconsciously to previous modes of interaction unless there is some means of monitoring and providing feedback to the parties on their bargaining relationship and interaction. This means that successful implementation of MGB will often be facilitated by a neutral third party, a person who can be from either inside or (preferably) outside the institution. We shall have more to say later about the use of neutrals. At this point, we wish to acknowledge that a third party may in some cases moderately increase the up-front expenses of bargaining (although we believe that the ultimate savings can be significant). Perhaps of even greater importance, using third parties prior to an impasse is not traditional in bargaining, and so both parties must agree to engage in behavior contrary to the conventional wisdom of negotiators.

Third, MGB assumes that the bargaining parties are able to exercise reasonable control over their own relationship. Reasonable does not mean absolute, and we believe that MGB approaches can be effectively used by even campuses or systems where state coordinating agencies or national unions intrude in the bargaining process. However, when bargaining is only a charade and major negotiating decisions are made by external agents rather than the bargaining principals or their negotiators, neither MGB nor any other bargaining process can effectively improve relationships and outcomes.

We have developed and presented the materials in this book following a specific order, and we urge readers to use it sequentially. Chapter 2 makes the mutual gains concept more concrete by describing two specific (and quite different) uses of MGB. In one use, a neutral third party worked on site with a campus about to renegotiate a contract; in the other, three unionized campuses participated in a five-day residential workshop that we developed and coordinated.

Because MGB is grounded in concepts developed in the applied behavioral sciences, we present in Chapter 3 a brief description of the theoretical bases for the approach. The theory is important because it is the starting point for understanding the implications of certain bargaining behaviors and for learning the specific skills that are described and analyzed in Chapter 4. Both Chapters 3 and 4 contain a number of sections, each describing a specific theory or skill. These sections follow a format. We begin with a brief "dialogue" that illustrates in concrete terms the bargaining problem related to the theory or skill being presented. We think that each of these fictional dialogues will be familiar to anyone who has been at the bargaining table! Next, we present the theoretical bases for understanding the dynamics of the dialogue and for considering how the problems presented might be constructively resolved. This is followed by exercises that will permit the parties to relate the conceptual material to their own campus situation. Finally, we make suggestions about very specific things that parties might do to implement MGB.

In Chapter 5, we introduce the Academic Bargaining Questionnaire (ABQ), an instrument that campus groups can use to assess their bargaining relationship and indicate changes that will make bargaining more constructive. For those who would like to consider implementing MGB programs on their campuses, Chapter 6 provides some specific "first steps" that they might wish to try.

The Appendix contains the ABQ and examples of how the data produced by this instrument can be summarized and reported back to bargaining teams and principals. A bibliography is also provided for those who wish to consider in greater depth many of the ideas presented here.

Chapter 2

Mutual Gains Bargaining in Practice: Two Applications in the Field

Although the principles of MGB are based on theory, the dimensions of the MGB program we describe here are based on actual experiences in the field. In Chapter 2, we shall introduce you to MGB approaches as they were implemented with experienced academic negotiators in two different settings. The first setting is a college campus at which a neutral third party worked with union and administration bargainers as they began to renegotiate a contract. This case provides an example of how MGB can be used on site as an integral part of the regular bargaining process. The second setting is a research training facility where bargaining teams from three different campuses learn about MGB in a workshop format. For both cases, we shall describe the setting, the MGB activities, and the outcomes.

The On-Site Program

The Setting

This two-year college had a ten-year bargaining history. At an earlier period of campus growth and expansion, relationships between the faculty union and the administration were considered satisfactory by both parties. However, the onset of enrollment declines, shifts in student interests, and inadequate state fiscal support levels led the administration during the previous round of negotiations to declare a state of fiscal emergency, institute a reduction in force, and lay off a number of tenured faculty. The negotiations were understandably bitter and contentious. As the parties prepared to negotiate a successor contract, their relationship was clearly adversarial, characterized by high levels of distrust and personal animosity, unwillingness to share information, and difficulty in communications. When the union and administration were approached and asked if they would be willing to participate in a new approach designed to improve their relationship, they both agreed and independently gave the same reason: "It can't get any worse."

The Activities

This approach to MGB involved a single neutral working on a continuing basis with the union and administration bargaining teams after receiving the endorsement and support of both the union and the college presidents. The project began by interviewing twenty-one senior administration and union leaders and distributing the first draft of the ABQ to all campus administrators and faculty. (The ABQ is a new instrument that we have developed to help a campus understand its bargaining relationships and climate more clearly. It is described in detail in Chapter 5.) The interview and questionnaire data were summarized and returned to the campus leaders at a full-day, off-campus session held by the neutral the following month. Some of the data publicly confirmed what most people had privately expressed concerning reductions in communications and trust and increases in hostility between the two parties. Other data did not confirm previous beliefs that the other side was monolithic or that it was concerned with only its own interests. The data also displayed in bold relief the different perceptions that led the parties to have similar and negative images of each other (for example, "Our demands last time were fair, but they took unreasonable positions") that made working together constructively exceptionally difficult. The session provided an opportunity for campus groups to come together in a nonadversarial and protected setting to

explore under supervision the actual state of their relationship and the problems they faced.

Formal negotiations started the following month, and by previous arrangement with the parties, the neutral was present at all joint sessions and caucuses of both sides. In his role as neutral, he was able at appropriate times, both formally and informally, to make comments and provide suggestions that could increase the effectiveness of communications and improve problem solving capacities. For example, the neutral could point out to each side areas of potential agreement that went unnoticed in the heat of debate; he could clarify statements made by one team that were apparently not being understood by the other; and he could point out in private to each side the effects of its behavior on the other.

He could also help the parties develop new structures and processes that could improve their bargaining effectiveness. For reasons that will be discussed later, the bargaining conference is often not a good arena for dealing with complex issues. The neutral in this case helped the parties develop joint study committees to which two complex issues were remanded and then assisted the committees with their procedures and the acquisition of the information necessary for developing sound alternatives.

Although up to this point bargaining had been unusually constructive and collaborative, the bargaining behaviors developed in previous years resurfaced when the topic turned to compensation. After a brief period, the union decided it would declare an impasse. Rather than ask for a state-appointed mediator, however, the union and administration both agreed to permit the neutral to fulfill this role. Having previously developed a trusting and open relationship with the parties, the neutral was able after brief meetings to suggest a salary package that, with only minor modifications, was accepted. He was then asked by both sides to mediate a small number of other issues still outstanding, and negotiations were concluded by the end of the day. The project continued through one more step; after bargaining was completed, a three-person external committee visited the campus to interview the parties and hold a joint meeting with them to report on the state of union–administration relationships and make suggestions for improvements.

Over the course of a year, then, neutrals had been used in this MGB program in four different ways: to diagnose existing relationships prior to bargaining; to improve communications and problem-solving capabilities during bargaining and at impasse; to identify satisfactory solutions that the parties were having difficulty finding themselves; and after bargaining, to assess changes in relationships and to reinforce the successful use of the new procedures.

The Outcomes

The outcomes of the MGB program were assessed through interviews of the administration and union leadership by a three-member advisory committee and through analyses of changes in union–administration relationships as measured by readministering the ABQ.

The independent review by the advisory committee indicated that the program was highly successful. Both union and administration officers and negotiators reported that bargaining was characterized by increased trust, more open communications, and a greater appreciation of the other side's problems. The hostility generated at previous negotiations was absent. Both sides indicated that they had changed their bargaining style, had learned techniques for collaborative problem solving that could be beneficial in their future relationships, and had more balanced and less stereotypical views of each other. Both parties thought the contract was fair, and they were particularly pleased with the inclusion of creative clauses related to two problems of mutual concern (faculty retraining and early retirement), which, in the absence of the MGB program, might have gone unaddressed. Both union and administration representatives attributed these changes to the involvement of the neutral.

Additional evidence of the effect of the program was gathered by readministering the ABQ to all administrators and faculty on campus and analyzing fifteen items indicating how union–administration relationships had changed due to the past round of negotiations. Administrative responses indicated that fourteen of the fifteen relationship dimensions had improved. Six of these changes were statistically significant, including increases in the union's trust of the administration, understanding the administration's concerns, union–administration cooperation, similarity of union and administration positions on basic issues, willingness of both groups to present a united front to outsiders, and commitment to working together to solve mutual problems. Changes in faculty responses were generally positive, although neither so dramatic nor consistent as were those of the administration. Of the fifteen items, positive changes were reported for ten; two of them, an increase in the union's trust of the administration and a decrease in the time required to resolve grievances, were statistically significant.

The Workshop Program

The Setting

In the fall of 1983, letters were written to college and union presidents of all organized campuses in the country inviting them to consider participation in a five-day, residential workshop on mutual gains bargaining to be held in January 1984. The workshop was sponsored by the Higher Education Institute of Teachers College, Columbia University, and supported by a grant from the Fund for the Improvement of Postsecondary Education (FIPSE).

Acceptance into the workshop required the written approval of both the campus and union presidents, their agreement to administer to faculty and administrators the ABQ and return it to the institute for analysis a month before the workshop, and their willingness to send as participants two or three members from the union and the administration bargaining teams, including the chief negotiator of each team. Over a dozen institutions indicated their interest in the workshop, and three eventually fulfilled the requirements and participated.

Members of the workshop staff contacted leaders on the three campuses prior to the beginning of the program to gain a better understanding of their negotiating relationships and bargaining histories. Two of the campuses were public community colleges, and one was a public comprehensive university. Union–administration relationships were troubled at all three; contract negotiations in the past had almost always led to an impasse and on one campus had almost always precipitated a strike before settlement. Although each campus had a different national faculty union affiliation, different substantive issues, and negotiators whose personalities and styles were strikingly different, the *problems* of each were quite similar. On all three campuses, the parties involved saw that their relationship was disruptive, and they wanted to do something about it!

The Activities

The workshop began early one Monday afternoon in January 1984 and ended at noon that Friday. Sessions were held all through the day and on two of the four evenings. All participants were in residence at Teachers College during the entire workshop. The three of us served as workshop staff, and we and the participating colleges found this low participant to staff ratio to be highly desirable in view of the intensive nature of the program, the sensitivity of the relationships, and the need to continuously monitor group interactions to ensure that conflict was used constructively. Although the schedule was highly structured, adjustments were made as the workshop evolved to maximize the potency of certain sections and to take advantage of developing interests.

The workshop was designed with four basic purposes in mind:

1. To make participants more aware of the behavioral processes of bargaining and negotiation so that by understanding the factors leading to disruptive processes, they could better avoid them.
2. To provide training and experience in new ways of bargaining so that participants could develop a repertoire of effective behaviors to replace older and less effective ones.
3. To give participants greater insight into their bargaining relationships as seen by colleagues on their own campuses so that they could more realistically understand the nature of their problems.
4. To help the teams from each campus develop an agenda that they could work on when they returned home in order to continue developing constructive bargaining relationships.

These four purposes were interwoven during the entire workshop. Particular attention was given to relating conceptual orientations to practical issues. Lecturettes, discussions, critiques, and videotaped simulations were combined to reinforce learning and engage interest.

The first purpose, that of increasing conceptual awareness, was addressed through simulations, theory sessions, and constant feedback by staff serving as neutrals. For example, in one simulation occurring early in the workshop, three-person teams engaged in a simple negotiation in which the influence of competition on perceptions and behavior could be clearly demonstrated and analyzed. Theory sessions on such topics as attributions, intergroup competition, and integrative bargaining (many of which are treated in later chapters) provided an opportunity for understanding why they and their bargaining opponents behaved as they did. In the various intergroup and simulation activities that were interspersed with the workshop, staff constantly monitored and reported observed behavior in terms of the conceptual material that had previously been presented.

The second purpose was to provide participants with new skills and experiences so that they could improve their bargaining effectiveness. This was done both through specific training sessions and team participation in a simulated negotiation of academic contract provisions. The training sessions focused on techniques to improve team functioning and

effective problem solving; some of these materials are contained in Chapter 4. After completing the theory and training sessions, intact campus teams were given an opportunity to practice what they had learned by participating in a full-day simulated bargaining session using materials specifically developed for this workshop. These bargaining sessions, and the caucuses that accompanied them, were observed by three staff members who later provided feedback to team members. In addition, videotape recordings were made of selected portions of each team's bargaining and played back and critiqued at the end of the simulation. This provided an unusual opportunity for teams to "stand outside" the bargaining context and for the first time see how they might be observed by the other side.

The third purpose was to permit teams to gain a better understanding of their own relationships. As we shall discuss later, the conflict engendered in traditional bargaining relationships distorts the perceptions of the parties, and unrealistic views of the interests, goals, and values of the other side and the relationship between the sides can often reduce bargaining effectiveness. In order to permit bargainers to view their relationships more objectively, participants in the workshop were given summaries of data collected from the ABQ that had been administered on their own campuses one month earlier. The data were displayed in a manner that highlighted problems and bargaining orientations. Teams were instructed on how the results could be analyzed and used, and each union and administration team was given an opportunity to meet separately, and then together, to share their perceptions and determine whether the data they saw reflected what they desired for their campuses.

The fourth purpose was to help teams from each campus consider what they might do to improve bargaining and to plan a back-home agenda that would begin to move them toward more satisfying relationships. Thinking about this issue began early in the workshop with a session where teams met to discuss the constraints and potential of their ongoing relationship. Later in the program, as part of the review of the ABQ, the teams received the verbatum comments of their campus constituents responding to the question "What could the union/administration do to make bargaining better?" Finally, the last day of the conference gave special attention to developing action plans. Union and administration teams first met separately to discuss steps they could take and then met together to develop a mutually acceptable agenda for improving their bargaining when they returned home. The campus teams presented their back-home plans to the other campuses so that each could see the different ways that parties could work together more collaboratively.

Outcomes

The positive evaluation of participants can be seen in letters they have sent to us and through their responses to a program assessment instrument they completed at the conclusion of the workshop. Among the questions we asked was "What changes do you think will occur in your campus bargaining relationship as a result of having participated in the workshop?" The majority of respondents thought that the changes would be quite profound. Sample responses were

> I think there is a strong commitment to return home and execute what has been learned. The data indicates a strong need already recognized by constituents for this type of change. This could be a turning point for the college.
>
> The two teams have agreed to use MGB methods as far as they possibly can. Since we control the bargaining process, MGB will be used.
>
> I believe that there will be a definite improvement in union–management communications and that will lead to improvements in climate and problem–solving.
>
> We will have had an example of MGB so that when we return to the "good old days" we can suggest that there are alternatives to our problems, and we should seek them out.
>
> The personal relationships have helped give us all a better understanding of each other so that I am sure we can work together with mutual trust and respect. There will be more cooperation in solving problems before, during, and after the negotiations. The philosophy of collaborative bargaining has been firmly implanted in our minds. I am sure it will flourish. Lastly, we have the beginning skills to effectively use MGB. I am sure these skills will grow.

Other respondents were more cautious in their assessments. In response to the preceding question, one said "Unknown at this time. I believe changes, should they occur, will be positive for all parties." And another commented, "Not sure. None right away, but with a lot of effort, I think we could move towards MGB."

Follow-up discussions with participants ten months after the workshop indicate outcomes ranging from "still unknown" to "highly successful." At one campus, it was reported that parties are attempting to apply MGB strategies in their interactions and that administration–union relationships may have slightly improved.

A more comprehensive assessment will not be available until the contract, which expires in the spring of 1985, is renegotiated.

At another campus, the MGB training was reported to have had a dramatic effect. In a letter to us jointly signed by the administration and the union, the bargainers reported the following:

> We are writing to let you know of the success achieved in our contract negotiations using the Mutual Gains Bargaining concept and techniques. We were able to reach agreement . . . six days prior to the expiration of our old contract. This is the first time that has happened . . . since 1972 and stands in marked contrast to a strife-ridden bargaining history which includes four strikes. The agreement was ratified by a unanimous vote of the board of trustees and by the faculty in what we believe was the largest ratio ever.
>
> We believe this success was attained for two reasons. First, the MGB workshop . . . provided us with a definite procedural track to run on and a very important change in thinking required to implement the process. The emphasis should be placed on the latter. Through the scenarios designed by you we were made to face the shortcomings of the adversarial negotiating posture and compare them with the positive results of the changed thinking as dictated by the MGB process. This really brought home the real value of MGB and the potential it holds.
>
> Secondly, and equally important, was the willingness of our people to put forth the effort necessary to make the process work. We made an agreement between the teams that should we fall back into the old adversarial pattern that we would stop the process and work out the problem so that we could get back on the MGB track. Because of this commitment, and despite the skeptics, this taking time to review our workshop notes and to figure out how to handle a particular situation—sometimes as individual teams and sometimes in joint sessions—enabled us to complete the process as successfully as we did.

Summary

In this chapter, we have described two programs built on the concepts of MGB. The structure of each program was quite different: One took place on a campus over an extended period and was integrated into the actual bargaining process, while the other was of limited duration, involved three campuses, and took place in an artificial environment. However, there were significant similarities as well. Both programs made participants more self-conscious of their bargaining behaviors and the effects on the other side's behavior; both programs provided training or other opportunities to learn about alternative processes that might be more constructive; both programs used a third-party neutral; and both focused on collaborative rather than competitive or adversarial approaches to maximize their bargaining gains.

We do not believe that these two models exhaust all the ways of successfully introducing MGB to the campus. In fact, we think that the number of alternative structures and programs is potentially quite large. One of the purposes of this book is to provoke campuses into considering their own situations and designing a system that meets their own needs. The presentation of our experiences should not, therefore, be taken as a prescription that this is how it *should* be done, but rather as examples that demonstrate that, indeed, it *can* be done.

Chapter 3

Theories That Guide Mutual Gains Bargaining

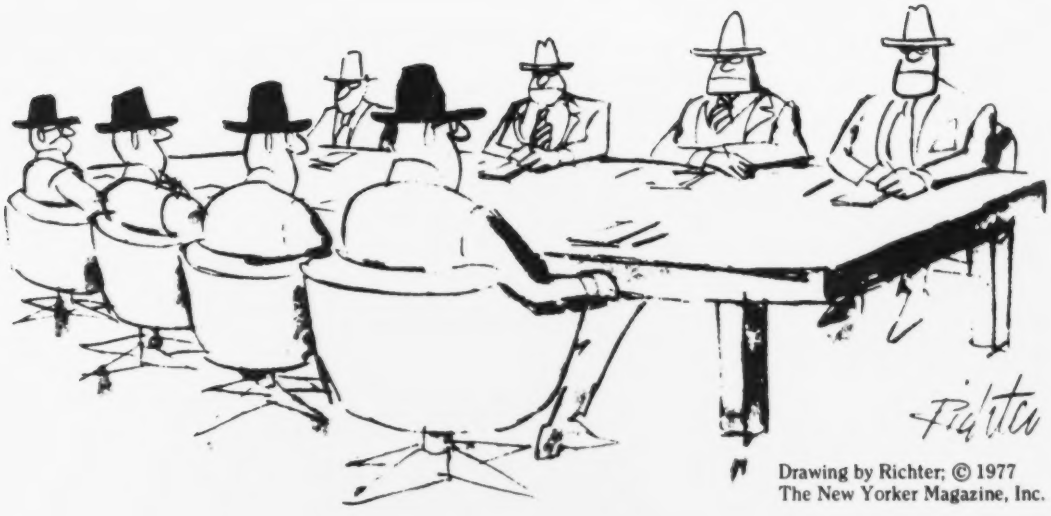
Many bargainers identify themselves as pragmatists. They learn the techniques of negotiation through experience, and over time, they identify "what works." The bargaining arena is so filled with ambiguity and the elements of each bargaining situation may appear to participants to be so different or unique that it is easy to focus upon what appears to be specific and useful rather than on what seems to be more general and theoretical.

We agree that much of what is known about bargaining has, indeed, come from the experiences of sensitive and knowledgeable negotiators. At the same time, we endorse Kurt Lewin's well-known aphorism that there is nothing so useful as a good theory. We believe in particular that concepts that suggest how individuals and groups usually respond to competition, stress, and uncertainty can help bargainers more clearly understand the dynamics of the bargaining table. With that understanding, negotiators can more effectively avoid behaviors that might inadvertantly mislead or confuse the other side. Bargainers can more readily spot the development of disruptive group processes and take steps to ameliorate them. And they can design procedures and structures that can make bargaining more constructive.

The purpose of this chapter is to present some of the theoretical bases of MGB. The first two sections deal with intergroup competition and attribution, behaviors that often develop in bargaining and contribute to adversarial and disruptive relationships. The third section discusses two separate but related processes that Richard Walton and Robert McKersie (see Bibliography) called integrative bargaining and distributive bargaining. These two concepts describe and explain tactics and strategies of across-the-table negotiations. Integrative bargaining is centered on problem-solving behaviors, while distributive bargaining involves more competitive behaviors. The effectiveness of each process depends on the topics being negotiated. The final section discusses intraorganizational bargaining, the process by which bargaining teams seek internal agreement among their members and between members of the team and their principals (trustees, presidents, union officers).

Each of the sections begins with a dialogue at the negotiating table or in caucus that reflects a bargaining problem at fictional Huxley College. The three-person bargaining teams at Huxley are easy to identify since, by complete chance, the first names of the administration's representatives all begin with the letter *A* (Alda, Amala, and Arlin) and those of the union's faculty bargainers all begin with *F* (Fran, Fay, and Florence). These six Huxley College negotiators are all experienced at the bargaining table. Their dialogue is not atypical, and we would be surprised if at least some of it did not sound familiar when compared to your own bargaining experiences. We do not necessarily wish to suggest that the Huxley College teams are *bad* bargainers or that their negotiations in the past have not been fruitful. But we *do* believe that by using more constructive and creative approaches, the union and administration could both increase their benefits. Following the dialogue, we present a nontechnical summary of the theory; readers interested in more detail should refer to the works listed in the Bibliography.

We believe that learning and understanding the theories that support MGB can be enhanced by engaging in simple exercises or simulations that permit the reader to relate these basic principles to their own bargaining experiences. Each section therefore contains several activities of this nature. The section also discusses some of the implications of the theory for actual bargaining in the context of higher education and suggests specific steps negotiators can take that will help to make bargaining more constructive. Readers who negotiate in noncollegiate organizations should find it easy to relate the higher education examples to other settings.



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Intergroup Competition

Dialogue

(in the union's caucus room)

Fay: I've just compared our workload demand and their counteroffer. We worked a long time on our workload proposal, and it's a damn good one. Their response doesn't even deal with the issues.

Fran: Maybe they're just dumb. We've stated our position time after time but they don't seem to understand.

Florence: I don't thing they're stupid, they're just out to stick it to the faculty again. We've tried to cooperate, but they aren't interested.

Fay: They keep raising the budget as a red herring. Well, that's their problem. Our members see workload as our number one priority, even more important than salary this year, and we're not going to change our position.

(in the administration's caucus room)

Alda: Responding to their workload demand was like shooting fish in a barrel. I've never seen anything drafted badly as that. I'm surprised they read it to us with a straight face.

Amala: I think our response will convince them that the present system is much better than what they've proposed.

Arlin: We could move ahead much faster if they'd give some thought to cooperating. But they'll do whatever they can to raise issues to try and embarrass the administration. I don't even think workload is a serious issue with them.

Theory

Collective bargaining is a process where two groups (the union's bargaining team and the administration's bargaining team) each try to maximize its outcome. Bargaining teams often approach the negotiations table with at least three assumptions in mind.

1. We are going to be assertive in satisfying our own team's concerns.
2. We are not going to be cooperative in satisfying the other team's concerns.
3. We can only gain if the other team loses.

These three assumptions lead to intergroup competition. Some negotiators believe that bargaining and competition are synonymous, but later, we shall discuss bargaining orientations that, while also based on assumption 1, do not accept assumptions 2 and 3.

Competitive processes between groups have been studied in many fields, such as labor relations, international relations, and organization behavior, and a good deal is known about what happens when two groups engage in competition. The dynamics of intergroup competition appear to be similar in all settings; indeed, we have created artificial groups in the MGB workshop and observed identical behavior in an hour's time. If your academic bargaining is conducted as a competitive process, theory suggests (and our observations confirm) that a number of processes will be taking place that affect the way the teams bargain, communicate, and make decisions. It will not take long before each side sees itself as the "white hats" and the

other side as the "black hats" and behaves toward the other exactly as these images would suggest.

What commonly happens in the bargaining process is that each team is likely to come to the bargaining table with its own set of demands or desired outcomes. Each team will probably overestimate itself as a team and its own positions, and underestimate the opposing team and its positions. These misperceptions are caused by the competitive orientation and become even more intense as bargaining continues. Both teams become more committed to their own positions and close ranks so that minority views on one's own team become silenced and the flexibility of the chief negotiator decreases. Negotiators increasingly use the bargaining conference to attack the other team, rather than trying to gain further information about them. Members of both teams are aware that the bargaining sessions have become nonproductive, and each team blames the other for the deterioration in their relationship while absolving itself of responsibility.

Communication between the teams also changes as the competitive interaction continues. Since each team tends to criticize and attack the other's positions, both teams listen very defensively. They tend to focus on the differences in their positions and fail to see the similarities. As the teams become more and more convinced of the justice of their own positions, it becomes increasingly difficult to understand the other team's positions. Indeed, as bargaining progresses, each team loses the ability even to *hear* alternatives being proposed by the other. Each team spends increasing time communicating internally and less time communicating with the other. Defensiveness leads to distorting, filtering, and stereotyping messages from the other side, making it difficult to correct misperceptions or errors of interpretation. Moreover, it becomes increasingly difficult for each team to hear and understand collaborative overtures of the other, so that each team is likely to believe (erroneously) that, while it is trying to improve the bargaining relationship, the other side is not interested in doing so.

Decision-making processes of teams also change under the stress of competition. Teams develop a reduced tolerance for ambiguity, and they increasingly tend to see things in black and white terms. Cognitive processes become inhibited as tension increases, and it becomes increasingly difficult to identify alternative solutions to complex problems. Teams may therefore agree to proposals without having had an opportunity to consider other proposals that might be more advantageous. In addition, decision making by teams is likely to give less consideration to long-term goals and place more emphasis on short-term goals as the competitive interaction becomes more intense.

Competitive bargaining often leads to disruptive intergroup conflict. Sometimes this conflict is magnified by the personalities of the negotiators, but more often it is due to the dynamics commonly present when any two groups compete. Negotiators who are aware of these dynamics are more likely to be alert to their effects in an ongoing bargaining interaction. Later, we shall identify how bargainers can alter the traditional reliance on competition in academic negotiations so that the disruptive aspects of conflict are reduced or eliminated.

Exercises

The following exercises can be completed by separate bargaining teams:

1. The same dynamics that lead to disruptive intergroup conflict also make it easy to blame the other side and difficult to believe that your team was responsible at all. The purpose of this exercise is to determine the extent to which the behaviors of both sides work together to produce disruptive conflict.

   Develop a list of the types of behaviors by the other team that caused disruptive conflict during your last negotiation session. Be as specific and inclusive as possible. For each item, identify the reasons you think they behaved as they did.

   Now adopt the position of the other team, and develop a similar list of *your* behaviors during the last negotiation session that the other team would argue increased disruptive conflict. Do not pause to evaluate any item on the list as you develop it, but keep adding to it until you list all the complaints you think the other team might possibly have, whether justified or not. Then review the list. Even if you disagree with an item, discuss for each one why the other team might believe it to be true.
2. Compare the opening positions of your team and the opposition's team during the last negotiations. First, make a list of all the differences in your two positions. Then, make a list of all the similarities in your positions. Are the differences as striking now as they were when you first saw them? Were you able to identify as many similarities when you negotiated them as you can now?
3. Reconstruct to the extent possible the actual dialogue of a past negotiation session (*note:* The perceptual and cognitive distortions created by competition will make this

exceptionally difficult to do). Now label each comment or series of comments using the following code:

A argument against other position

R comment ridiculing other position

U comment indicating understanding of other position

Q question to learn more about other position

E question asked to embarrass the other side

S statement indicating support of other position

Now add up the number of comments in each category. To what extent does your pattern of responses indicate concern for the goals of the other side? To what extent does it make the other side more defensive?

MGB Suggestions

To constrain the potentially disruptive effects of intergroup competition, bargaining teams might consider taking the following steps:

1. Assign a team member to monitor the bargaining sessions with particular responsibility for noting, and reporting back to the group, nonproductive behaviors that appear to be related to intergroup competition.
2. Recognize that competitive orientations may make it difficult to understand fully the positions of the other side, and adopt tactics to explore their meaning more fully before responding to them. This means careful listening, paraphrasing what you think you hear and asking the other side to confirm your understanding, and asking questions to elicit information rather than to attack or belittle the other side's position.
3. Focus on, and articulate similarities in, the positions of both bargaining teams rather than on their differences only. It is your similarities that will form the soundest basis for eventual agreement.
4. Assign members of your bargaining team to role play in caucus the position of the other team on a specific issue and to negotiate with you about it. This may give you a better sense of why the issue is important to the other side.
5. Both teams can meet together to identify specific problem areas where intergroup competition is expected to be particularly intense. *Jointly, and in advance,* develop procedures for reducing its adverse effects. Such procedures may include outlining "Dos and Don'ts," specifying groundrules, establishing agendas, or developing other aids that will serve as behavioral guidelines in situations that might otherwise get out of hand.

Attribution Theory

Dialogue

(in the union's caucus room)

Fran: I don't think the administration is going to buy our retraining demand.

Fay: Well, that's no surprise. They don't really care about faculty needs. They never have.

Florence: All they ever think about is money. They'll sell out the academic program every time to save a buck. Then they turn around and spend it on more administration.

Fran: Let's hang tough on this one. If they only respond to pressure, let's show them what pressure really is.

(in the administration's caucus room)

Alda: The faculty demand on retraining is sort of interesting.

Amala: Yeah, but we should be careful about it. I think they want to use it to protect the faculty deadwood. It's just another way of reducing institutional flexibility.

Arlin: They don't seem concerned about the college at all. All they look at is their own self-interests.

Alda: Why should they care? As long as they have tenure, they can be as irresponsible as they like.

Theory

What are attributions, and why are they important in negotiations? Attributions are *inferences* made about the other side's characteristics, intentions, and motives, often based on surprisingly little information about them. Such inferences serve our need to order our complex world in ways that are well organized and readily understandable to us. At Huxley College, the faculty have attributed the administration's behavior to a lack of concern for faculty interests, a concern for only money and strengthening the administration, and a willingness to agree to new programs only under extreme pressure. For its part, the administration sees the faculty as self-serving, protecting deadwood, and irresponsible.

Attributions are the explanations that we conjure up to account for *why* others do what they do and are what they seem to be. Unfortunately, though, attributions are sometimes formed in the absence of such "hard information" as verified evidence or even carefully tested first hand knowledge about other individuals or groups with whom we must interact. In such instances, our inferences may rely on stereotypes, hearsay, or very limited first impressions. It is a significant and well-documented fact that our attributions not only exert a pronounced influence on how we experience and perceive others in our social environment, but that they also affect how we behave toward them and how they, in turn, experience and react to us. Attributional mechanisms are apt to play an increasingly prominent role in situations where there are great pressures on individuals and groups that have shared as well as conflicting interests to make important decisions affecting their private and joint welfare.

In colleges and universities, as in other social settings, we constantly employ attributions. Some attributions are "dispositional," that is, they suggest that other persons behave in a certain way because of their personalities; other attributions are "situational," that is, they infer that a behavior was related to some force in the environment. In general, we tend to use situational attribution to account for our own behavior, or that of our friends and valued colleagues ("given all the facts involved, we really had no choice"), and to attribute the actions of others to stable personality characteristics ("they didn't have to do that, but they've always been vindictive"). When we attribute the negative behaviors of others to their personalities, we decrease in our own minds the possibility that they might change, and we can more easily dismiss or discount their positions. However, if we can learn to attribute the behavior of others to their perception of the environment, we can begin to understand their positions (even if we still do not agree with them), and we see that others can be influenced by changing their perceptions. Since one major environmental force affecting other people's perceptions is our own behavior, situational attribution processes open the possibility that we can influence others positively by changing our own behavior.

Although there are differences in various settings, we have seen certain dispositional attributions occur with some regularity in unionized colleges and universities. In competitive or adversarial bargaining relationships, it is not uncommon for faculty to view administrators incorrectly as out to break the union or to "get" certain faculty members, unconcerned about faculty interests, incompetent, capricious, unfair, unsupported by the trustees, and heartless bureaucrats. Administrators may inaccurately regard the union leadership as self-serving and not representing the faculty, uncommitted to the

institution and unconcerned about its welfare, having narrow self-interests, wishing to take over administrative prerogatives, lazy, unresponsive to student interests, and unaware of what is happening in the "real world." We suspect that many readers will agree that these attributions are so one-sided and stereotypical that they cannot accurately reflect the reality of other campuses. However, a large number of readers will believe that they really describe the situation on *their* campus.

These kinds of inferences made by individuals or groups to one another can obviously have a profound effect on their behavior during negotiations. In "adversarial" bargaining exchanges, our inferences about the "opposing" side tend to be evaluative, dispositional, undifferentiated, and, in large measure, untested. Thus, in a very competitive exchange, we are apt to view the other side as "the bad guys" who are "out to get us" and therefore "untrustworthy" or "sneaky." In such situations, it matters little that the bad guys include some whom we know to be highly trusted and respected by their colleagues and, in many respects, share common interests with us. Instead, our inferences lump such individuals with those who are deemed to be our "enemies."

Strikingly, negative attributions not only flourish in competitive bargaining situations, but also fuel these situations' competitive thrust. Unfortunately, our own inferences often confirm our worst expectations for the other side. Negative attributions may cause us to act in ways that are viewed with suspicion, and this, in turn, may cause the opposing side to behave guardedly or even deceptively toward us. Inherent in this all-too-familiar scenario is the idea that our inferences may cause us to act without adequate or, for that matter, correct information about the other side's intentions. We never really become aware of the pressures it faces nor are we able to assess accurately the degree to which it would prefer a negotiated settlement to a stalemate.

Exercises

1. Meeting separately, union and administration bargaining teams can explore and assess the attributions they give each other. Tape three large sheets of paper on a wall. Label the first sheet "our image of them," and have one team member write down all the adjectives and phrases called out by members of your team that describe the other team (i.e., smart, sneaky, experienced, not committed to academic values, etc.). Do not pause to evaluate any comment, but continue making your list until there are no more suggestions.

   Then label the second sheet "supporting evidence," and list the specific behaviors of the other side that contributed to that image. Finally, on the third sheet labeled "counter evidence," list behaviors of the other side that appear inconsistent with that image. When the lists are completed, discuss whether the evidence presented is sufficient to support the attribution. Can you suggest explanations for behavior that are consistent with the evidence but may be unrelated to the attributions you have given? Does your team ever engage in behavior similar to the other team's? If so, what is the reason for doing so? What assumptions do you think they make about your behavior?
2. Assign a member of your bargaining team to monitor your next caucus or planning session and record all instances of attributions you directly or indirectly give to the other team and yourselves. Reserve twenty minutes at the end of the session to discuss the results and determine whether the attributions can be supported. Reevaluate any positions you may have taken based on attributions with unsubstantiated evidence.

MGB Suggestions

1. Once brought to a level of heightened awareness, our tendencies to use attributions that are consistent with our preconceived notions suggest some rather common-sense solutions. They include testing what has been said for its rationale and limits, probing for explanations and reasons, and relentlessly searching for whatever it is that seems to be shaping the other side's behavior and concerns. This, of course, necessitates listening carefully to the other side and assigning importance to its perceptions of reality. Another critical implication is that you must provide sufficient information about your own concerns and priorities in order to counteract erroneous attributions in negotiations.
2. Rather than forming and acting on the kinds of attributions just described, it would seem useful to monitor oneself and one's teammates for evidence of inappropriate attributions given to the other side's intentions and motives. This often requires vigilance and active discussion in order to ferret out their individual consequences. In some instances, it may even be useful to explore the other side's inferences about oneself in a constructive and nonthreatening way. In these efforts, try to remain sensitized to your own defenses,

intolerances, and rigidly defined self-interests, for it is such mechanisms that frequently provide the bases for competitive attributions. Beyond continually practicing such skills, it would also be useful for improving one's MGB technique to learn to adopt the following kinds of perspectives on others with whom you maintain a negotiating relationship:

Their interests may be quite similar to ours.

Let's search out the similarities in our admittedly different views.

They have to contend with similar pressures.

Though they are members of the opposing team, some of them may understand and even accept our position, at least to a certain degree.

They may be in a position to join us in our effort to...

Though the other side may seem solidly against our point of view, perhaps we could explore its views on a particular issue with hope of reconciling our differences.

Integrative and Distributive Bargaining

Dialogue

(at the bargaining table)

Fran: We've spent the last two hours screaming at each other about salary increments and we haven't gotten anywhere. We can't seem to agree on anything.

Arlin: Let's move on to our proposal for allocating evening teaching loads. That's something we can both support. We know you want a more rational system. It would relieve you of the complaints from faculty on this issue, and it would give us the qualified teachers we need. It shouldn't be hard for us to design a system meeting both our needs.

Florence: What makes you think we have any problems with the present system? If the administration wants some movement on evening teaching, you're going to have to show some good faith with a major offer on salary. So far, all you've done is stonewall.

Alda: I know that the salary bargaining has been tough, but can't we treat the evening teaching matter differently? There's something in it for both of us. Let's work together and try to solve it like a problem.

Fay: Look, 15 minutes ago, you said we were irresponsible, and you refused to give us budget data for our salary demand. Now you want to "problem solve" with us! I think you're out to screw us no matter what we do. If you want some movement on teaching, you're going to have to pay for it.

Theory

Our dialogue illustrates the mixed agenda that typifies almost every negotiation. Some items on the agenda (such as salary) involve the allocation of what appear to be finite economic resources. These items are seen as "zero-sum" in nature; that is, whatever the union "wins," the administration "loses." But other items on the agenda (such as evening teaching schedules) may be "variable-sum" in nature. For such items, it is almost always possible to design solutions so that either *both* sides gain what they want or at least the gains of one side do not come at the expense of the other.

The differences between these two agenda items were recognized by Richard Walton and Robert McKersie (see Bibliography), who theorized that negotiations actually involve two different, although related, bargaining processes. They gave the name "distributive bargaining" to the process that appeared to be most effective in responding to zero-sum items. They called the process for best dealing with variable-sum items "integrative bargaining." The strategies and tactics of distributive bargaining are different from those of integrative bargaining. Negotiators often fail to recognize this and may assume that all bargaining is alike. When this happens, they may inadvertantly use a less effective bargaining approach than is really available to them and thereby fail to exploit the full potential of outcomes for their side. The significant differences between integrative and distributive bargaining also make negotiating over mixed agendas quite difficult, as brief descriptions of both bargaining approaches will reveal.

Distributive bargaining. This is the type of activity that we most often think of when the term *bargaining* is used. It assumes that negotiations take place over a "pie" of fixed size, the goal of both parties is to obtain as much of the pie as possible, and what one team obtains the other loses. In our Huxley College dialogue, the teams view salary as just such an item.

Each team is concerned with only its own goals, not with the goals of the other side. Parties enter bargaining with two numbers in mind—how much they want (the target), and how much they will settle for (the resistance point). For example, the union may have a target of a 12 percent salary increment but will settle at their resistance point of 7 percent. If they cannot get at least 7 percent, they will strike. Neither

party knows the targets or resistance points of the other, and the basic strategy of integrative bargaining is to find out as much about the other side's goals as possible without revealing what your side is *really* willing to settle for. (As an example, it would obviously be a mistake for the union to tell the administration their resistance point, since the union would then have no chance whatsoever of obtaining more.) Each team also tries to influence the other to reduce its resistance point, so that the ultimate settlement will be more favorable to itself.

Distributive bargaining tactics include concealing your priorities, communicating false information, limiting communication, posturing, overstating positions, issuing threats, taking adamant and inflexible positions, and putting pressure on the other side. Negotiators may approach constituents of the other side and/or the media to create support for their positions. Distributive bargaining is often a combative and adversarial process whose outcome is likely to reflect the relative power of each side.

It is important when considering the characteristics of distributive bargaining to remember the distinction between fair and unfair negotiating practices. There is nothing inherently improper about "hard-nosed" bargaining, but those who misinterpret it as a license for achieving their goals by any means are likely to find themselves and their institutions in great difficulty. Regardless of bargaining orientation, such behavior as attacks on the personal weaknesses of other negotiators, failure to honor commitments already agreed to, or approaching the table with no intent of reaching agreement are highly destructive and inexcusable. When distributive bargaining is taken to extremes, or the parties lose control of the process, it can lead to disruptive conflict. However, when used by experienced negotiators, the process itself may more fully explore the other side's range of negotiability and so can often be effective in maximizing your immediate payoffs.

Integrative bargaining. This bargaining process assumes that the size of the pie being negotiated is not fixed but variable. Because of this, it is possible for both sides to increase their mutual payoffs through cooperation rather than competition. Integrative bargaining presumes that there are outcomes available that will meet both sides' goals, although these outcomes are not simple or immediately self-evident. The issue of evening session teaching at Huxley College is an example of an item with significant integrative potential. In addition to the positions that both teams brought to the bargaining table, there almost certainly exist a large number of additional solutions to their problem—if the parties are creative enough to find them. Indeed, some of these solutions may turn out to be even more advantageous to both parties than their previous positions! (Later, we shall discuss how this can be so.) The strategy for integrative bargaining requires both sides to understand clearly how the other perceives the problem, they must work together to discover alternative solutions, and then they must mutually select the alternative that maximizes their joint payoff.

To do this, both sides must work toward establishing an open and mutually supportive climate in which problem solving can take place. Each party must help work toward a solution that meets its own needs as well as those of the other side, and each party must be fully aware of the other's goals. To prevent premature commitment to a solution before a full range of alternatives is considered, discussion is treated as tentative and exploratory. These activities require open communications, a focus on problems rather than bargaining demands, defining problems in specific rather than general terms, and communicating essential needs while closely listening to the other side. This is a collaborative approach concerned with only the quality of the outcome in meeting joint needs, and not with the relative power of either team.

The bargaining dilemma. While integrative processes will help both sides find mutually satisfactory responses to most items on a bargaining agenda, it may be that a distributive bargaining approach will yield greater benefits to the faculty when salary is being discussed. (We should note, however, that improvements in your immediate salary payoffs may occur at great cost to your long-term relationship with the other side. Negotiators should also be careful not to assume *automatically* that all aspects of salary or related issues are always zero-sum or distributive in nature.) This means that effective bargaining may require two different bargaining styles.

But as our scenario indicates, mixed bargaining agendas pose real problems. In our example, the tactics of distributive bargaining developed in the salary negotiations were carried over into evening teaching schedules, a topic with high integrative potential. This may prevent the parties from acknowledging their mutual interests, communicating openly, trusting each other, and focusing attention on the problem rather than their conflict. Since distributive bargaining creates distrust and animosity, distributive bargaining behavior can overwhelm integrative bargaining attempts. In some situations, the tactics of distributive bargaining come to be considered as normal and are automatically assumed to be appropriate regardless of the item being negotiated. Failure to understand the differences between these two bargaining approaches, and to take steps to minimize the negative effects that one may have on the other, may lead negotiators to adopt ineffective strategies that lead to disruptive and nonproductive conflict.

Exercises

1. With other members of your bargaining team, make a list of the items on the bargaining agenda during the last negotiation. Next to each item, indicate whether it was dealt with primarily through distributive or integrative bargaining approaches. Then review the items and determine for each the extent to which it had integrative potential. Discuss the reasons for discrepancies, if any, between the integrative potential of each item and the bargaining approach actually used.

MBG Suggestions

To make integrative bargaining more effective,

1. Give advanced notice of interest in an item, and plan on a long negotiating time. Artificial time pressures created by deadlines limit the search process, thereby reducing the number of alternatives that can be created and considered.
2. Engage in preliminary, off-the-record discussions of the problem to begin building some common understandings about its dimensions on your campus as well as some sense of how other institutions have responded to similar problems.
3. Avoid early fixation on solutions; remain as flexible and open as possible. Keep on searching even after a satisfactory answer is found. You may be able to develop an even better solution.
4. Lay aside until later problems without apparent solutions. Time may bring fresh perspectives.

To prevent distributive behavior from inhibiting integrative approaches,

5. Form joint study committees to consider difficult problems away from the bargaining table and to review solutions proposed by the negotiators. This separates those bargaining over money (distributive) from those bargaining over complex problems (integrative), so that the techniques used in one bargaining process do not negatively affect the other.
6. Use third parties. Trainers can help negotiators develop competence in both bargaining styles and sensitize them to recognize the conditions under which different approaches are most effective. Mediators can help facilitate communications and build trust. They can also provide corrective feedback to negotiators who may unintentionally damage problem-solving efforts by inadvertantly reverting to distributive bargaining behaviors.
7. Separate integrative and distributive items so that they occur on different agendas or at different times or are negotiated by different people (for example, agree that certain matters will be considered in bargaining with the union and other matters will be remanded to the faculty senate, or agree not to negotiate items with high distributive potential until items with high integrative potential have been dealt with).

LABOR-MANAGEMENT NEGOTIATION SESSION
BOY! YOU GUYS ARE REALLY GOIN' AT IT!
YOU AIN'T SEEN NOTHIN' YET!
JUST WAIT TILL MANAGEMENT GETS HERE!

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Intraorganizational Bargaining

Dialogue

(in the administration's caucus room)

Alda: The president met with the trustees' personnel committee last evening to discuss where we are in the negotiations. It's the first briefing they've had since negotiations started four months ago. She told them about the modified union proposal on evening teaching, and the board turned it down cold!

Arlin: But that's not a bad proposal. We've spent hours on this one, and the union responded to all our comments. I think it's the best we can do; in fact, it probably has several advantages in the long run over what we had asked for.

Amala: Not only that, but we practically signed off on it at the last bargaining session. The union's going to call us every name in the book if we reject it now.

Alda: Well, we have no choice. The board says no. We're just going to have to reject the proposal at the next session and take the heat.

(in the union's caucus room the following day)

Fran: Every time we take one step forward, we take two backward. I thought we had agreement, and here we are back at square one. This wouldn't have happened if the faculty had stood together on this issue.

Florence: I told you we can't trust the administration. They knew all along that they wouldn't accept it. And pinning their response on the trustees! I bet they never really even went to the trustees on this one.

Fay: If the trustees really knew what was happening at the table, they'd be furious. I've heard that they're losing confidence in the administration anyway, and this would probably be the last straw. Let's go to the next board meeting and lay it on the line.

Theory

We usually think of bargaining in terms of the activities required for getting agreement *between* the negotiators on the two sides of the table. But, in fact, during negotiations, another system of activities is also going on that is designed to achieve consensus *within* the negotiating parties. In order for agreement to be reached, the union leaders (who are the bargaining principals) and the union membership must accept agreement made by the union negotiator just as the college president and the board of trustees (the bargaining principals) must support the results of the administration negotiator.

It is almost axiomatic that agreement between two negotiators can often be more easily achieved than agreement between bargainers, principals, and constituents. One of the main reasons for this is that while the negotiators have had their aspirations altered by experiencing the give and take of the bargaining table, the principals have not. As a consequence, negotiators are more likely than principals to change their expectation of what can be achieved. Intraorganizational bargaining refers to the system of activities that brings the expectations of the principals into alignment with those of the chief negotiator so that agreement can be reached. The failure of a unit's membership to ratify, or the unwillingness of a board to approve, a contract that the negotiators felt was fair and equitable under the circumstances are examples of a breakdown in intraorganizational bargaining.

In general, chief negotiators play important but limited roles in formulating bargaining objectives. On the union's side, local membership exerts considerable influence in determining the nature and the strength of aspirations, and under certain circumstances, the state or national union office may also determine whether certain goals are included in the bargaining agenda. For the administration, the president and senior administrators, as well as board members or committees, exert their influence on bargaining objectives. In a sense, then, the chief negotiator is the recipient of two sets of demands; one from across the bargaining table and the other from within his or her own organization. Each of these sets of demands includes two major sources of conflict. One is the aspirations each side holds; the other is the expectation that each side has about appropriate bargaining behavior.

While problems of intraorganizational bargaining occur for both sides, they are usually particularly acute and interesting within the union. The union is a political organization whose leadership is elected by the same membership that must ratify a contract. As a political group, it often finds itself subject to inconsistent constituent demands that make developing a coherent and consistent bargaining position difficult. Moreover, the union usually lacks the highly structured system of authority and communications found in most administrations. Thus it is more likely (but by no means certain, as our scenario demonstrates) that the administration will be able to decide on and then obtain internal acceptance for its bargaining positions.

Experienced negotiators realize that they have the responsibility of bringing their principals to the point of acceptance at the time that bargaining has been completed. They also recognize their responsibility to help the other bargainer get his or her principals to accept the negotiated agreement as well. Very often, the tactics and strategies used in the primary bilateral negotiations will be influential in promoting constructive and mutually supportive intraorganizational bargaining as well. If the basic bargaining relationship is adversarial or competitive, in which distributive tactics are paramount, successful intraorganizational bargaining may be severely constrained. The feeling that it is necessary to take tough and adamant positions may provide fuel for the high and unrealistic aspirations of the principals and constituents, making it difficult for them later to accept more reasonable agreements. In addition, the restriction of communications that is required by this bargaining approach makes it difficult to understand the other side's priorities or to communicate information to one's own constituency due to the uncertainty of the outcome of the negotiations. As a consequence, internal consensus permitting agreement must often be achieved by such manipulative devices as

- Withholding information from constituents, making issues complex to keep them uninformed, or silently dropping issues from the bargaining agenda.
- Engaging in marathon bargaining sessions, or posturing in public statements, to convince constituents that their needs are being pressed to the limit.
- Shifting the blame for bargaining outcomes to the other side, to such external bodies as governmental units or the constituents themselves.
- Exaggerating the level of achievement to minimize constituents' dissatisfaction.
- Using strike votes to develop cohesion and loyalty.

On the other hand, intraorganizational bargaining is facilitated by using MGB strategies and tactics in bilateral negotiations. When the basic bargaining relationship is a collaborative, problem-solving one, then the open flow of bilateral information makes it easier to keep constituents apprised of the progress of negotiations. It also helps by avoiding unrealistic demands that create undue aspirations.

Exercises

1. Spend some time before negotiations giving specific attention to the problem of intraorganizational bargaining. Each bargaining team should meet separately to discuss the following questions:
   a. What are likely to be the negotiating issues causing the greatest dissent within our own organization?
   b. To what extent are differences on the issues caused by diversity within the bargaining unit or management structure on the basis of age, occupation, function, geography, sex, or ethnic identification?
   c. How can we shape bargaining outcomes that are sensitive to these differences?
   d. How can we develop consensus within our organization for bargaining outcomes?
   e. How can we help the other party develop consensus within its constituency?
2. Opponents are likely to react differently to proposals made by "us," and those made by "them." If principals could be made to see the other side as being more like us, resistance to their ideas would be reduced and the problems of intraorganizational bargaining

consequentially lessened. We/they feelings can be reduced when, among other things

- We have superordinate goals.
- We define common problems.
- We focus on mutual successes.
- We deemphasize differences.
- We increase interaction.
- We emphasize our common fate.
- We work on the other side's substantive problems.
- We confer status on the other side.
- We disassociate the past from the present and future.
- We extend compliments.
- We express appreciation.
- We acknowledge and reciprocate collaborative overtures.
- We strengthen the other side's position.

Each team should meet separately for an hour. Take one of these ideas for weakening we/they differences, and discuss specific ways that you might interact *with your own constituency and principals* to begin inducing feelings of "we-ness" between them and the other side. (For example, what could the administration's bargainers do to get the trustees to increase interaction with faculty; what could union bargainers do to help faculty emphasize their common fate with administrators and the board?) As your principals increasingly see the other side as part of us, resistance to their positions will be reduced.

MGB Suggestions

1. Convey early information to constituents about the feasibility of their expectations, and direct their attention to important issues. Do not bring extraneous matters to the bargaining table, and do not argue for unimportant positions so that they can be used later as "bargaining chips." To the extent possible, keep constituents informed about the progress of negotiations so that their aspirations are kept in line with progress at the bargaining table. One way of increasing intraorganizational communications, while at the same time increasing constituent commitment to outcomes, is to involve the larger constituency in joint study committees or other problem-solving activities related to the negotiations.
2. Try to prevent constituents' expectations (as well as your own) from becoming firm until the other side's positions are heard and understood. This not only makes it possible to generate more creative alternatives but also keeps the constituency flexible and willing to consider as acceptable a wider range of potential outcomes.
3. Anticipate potential internal disputes caused by different roles and perspectives within your organization. Using MGB approaches constructively to confront these differences as you prepare for bargaining may be as important as their use in bilateral negotiations.
4. Remember that the proposed contract must be accepted by not only your principals and constituents but those of the other side as well. Consider what you can do to help the other side's negotiator obtain agreement from his or her constituency or principals.
5. Obtaining agreement from one's own constituency by scapegoating, recriminations, withholding information, misleading or misdirecting, or puffery is likely to cause difficulty eventually in contract administration and to weaken your bargaining in future negotiations. It is far better to influence constituents through early and open communication, realistic expectations, and rational presentation of data. Presenting such objective measures as other settlements, efficiency, costs, or references to past practice can be effective, as can reference to more subjective criteria, such as moral standards, fairness, and shared responsibility.

Chapter 4

Skills That Guide Mutual Gains Bargaining

In Chapter 3, we presented some of the concepts that are the foundations of the MGB approach. Understanding these concepts is a necessary but not sufficient precondition for creative bargaining. In the final analysis, MGB is concerned with *behavior,* and we believe that negotiators can develop and practice specific skills that are likely to make their bargaining more constructive. The purpose of this chapter is to present some of these skills.

As before, we begin each section by describing a specific skill with a brief dialogue involving our friends at Huxley College. The scenarios point out the difficulties faced by bargainers who are unfamiliar with MGB approaches, or who cannot translate these ideas into practice at the bargaining table. After describing the specific skills involved, we then suggest exercises to practice them and specific actions that can be taken to facilitate their implementation in actual negotiations.

We do not intend these skills to be taken as prescriptions to guide bargainers' behavior at all times and under all circumstances. Rather, we hope that these skills will expand your bargaining repertoire, so that you have a greater variety of techniques to choose from when you approach the bargaining table.

Problem Solving for MGB

Dialogue

(in the union's caucus room)

Fran: We've had several complaints about personal leave provisions.

Florence: Right. Having to specify whether the request is for bereavement, religious observance, or family illness is demeaning. And there's just no flexibility in the system.

Fay: The answer is we need more personal days. The contract now calls for four personals. I think we should ask for eight days and settle for six.

Fran: Okay. I'll present a demand that personal leave be extended to eight days.

(in the administration's caucus room)

Alda: We've had several complaints about personal leave provisions.

Amala: Right. Four days a year is costing us an arm and a leg in replacement costs.

Arlin: The answer is we need fewer personal leave days. I think we should ask for two days and settle for three.

Alda: Okay. I'll present a demand that personal leave be reduced to two days.

Theory

Our dialogue demonstrates a simple and common bargaining practice. In general, individual teams meet in isolation to discuss problems and design their own solutions, which are then presented as demands at the bargaining table. In a very real sense, then, bargaining demands are the product of group problem-solving activities. But when these demands are brought to the bargaining table, the parties tend to treat their demands as *issues* (will there be two or eight days of personal leave) rather than *problems* (can we identify the reasons for dissatisfaction with the present personal leave policy and design an alternative that both increases flexibility *and* reduces administrative cost?). Dealing with bargaining items as issues tends to result in compromise (a situation where neither side achieves a

satisfactory outcome), impasse, or submission by one side to the other's position. Dealing with bargaining issues as problems makes it possible to design creative solutions that meet the needs of both sides.

Bargaining demands represent unilateral solutions to problems. The members of groups that create these demands usually have common perceptions and similar organizational roles that limit their information and give them only a partial view of the institution. A group may make a bargaining demand that seems to be a satisfactory solution to the problem as they see it, but their opponent group (which has different values and data) may have defined the problem in a completely different way and so found a much different solution. When these two groups come to the bargaining table, they tend not to discuss their different perceptions of the problem but rather try to impose their solutions on the other side. One of the reasons that bargaining is often difficult is that parties are often arguing about solutions to different problems and are unaware of that fact.

Many of the problems bargainers must respond to are exceptionally complex, and since neither party is likely to understand them in their entirety, their unilateral solutions are often not so good as they should be. However, the tendency for a group to become prematurely committed to its solution makes it difficult to see its flaws and leads to defensiveness when alternative solutions are presented. Bargaining often occurs in an environment of low trust and restricted communication, so that when a demand that is "obviously" (but erroneously) seen by one side as fair and necessary is rejected by the other side, each side may question the other's sincerity and use the rejection to reinforce its view that the sides really cannot work together.

Mutual gains bargaining problem solving is different. Its principles are easy to state, but difficult to implement (again, we remind you that MGB is a no-nonsense and tough approach to bargaining, not an easy one). These principles are based on the assumption that two groups with different interests can collaboratively create solutions to problems that meet both their needs. Indeed, because of the added resources of information, different values, and new perspectives, they are often able to design a solution together that is *more* satisfactory to both than the best solution each side could unilaterally design for itself. The principles of MGB problem solving include:

1. *Joint definition of the problem.* Bargainers often disagree on each other's solutions (demands) because without knowing it they do not agree on the problem. Using the MGB approach, administration and union groups would meet to see if they could come to a mutually agreeable statement of the needs that a contract provision would be asked to address before they begin to prepare demands.
2. *Joint collection of data.* Problems are often defined by data. Since parties are likely to have different information from different sources, they are also likely to reach different conclusions. Jointly collecting data and preparing a factual statement that both groups agree is accurate will help avoid disagreements caused by incomplete or contradictory information.
3. *Joint prenegotiation study.* Studies have shown that unilateral prenegotiation planning of bargaining tactics and strategies makes agreement more difficult. Agreement is facilitated, however, when the parties can meet together prior to negotiation to discuss the background of the problem in general terms.
4. *Joint generation of alternatives.* Individual bargaining groups tend to consider only a few alternatives and stop generating ideas when they find the first alternative that seems satisfactory. Joint groups can generate more alternatives, and because of their different perspectives, these alternatives may be more creative and helpful. Research on problem solving has found that second solutions are on the average better than first solutions and that the quality of solutions increases still further when more ideas are generated. Increasing the number of alternatives makes finding a satisfactory solution more likely, and "brainstorming" is one way of increasing alternatives. The procedures to follow for brainstorming are outlined in the exercise section.
5. *Separation of bargaining agendas.* Earlier, we discussed the differences between integrative and distributive bargaining. Mutual gains bargaining presumes that many items on almost any bargaining agenda are integrative in nature and can be profitably addressed through problem-solving approaches. We realize, however, that not all items can be, or perhaps should be, dealt with in this way. Since the environment created by distributive-bargaining tactics tends to make problem solving more difficult, it is often desirable to remove complex items with integrative potential from the bargaining table and remand them to joint study committees.

Exercises

The following exercise can be completed by individual teams:

1. Identify a major demand of your team at the last round of negotiations. Prepare in one or two sentences a statement of the *problem* to which the demand was a solution. (Let us assume that your demand was "Every faculty member shall have a minimum of four weekly office hours posted on his or her office door." Be careful! Do not make the problem "Faculty members do not have their office hours posted," which is merely a restatement of the demand. Instead, identify your real concern, which, for example, might have been "Some faculty do not appear to be accessible to students.")
   a. List all the alternative solutions your team discussed before agreeing on the demand you made.
   b. Using brainstorming techniques (see Exercise 2), generate additional alternative solutions to your stated problem.
   c. Analyze the difference in the quantity, quality, and creativeness of alternative solutions on your list.
2. Brainstorming is a technique for generating alternatives. Commonly used problem-solving approaches are often not effective because
   - As soon as someone suggests a solution, people begin to criticize it. The criticism of alternatives interferes with the creation of alternatives.
   - The alternatives that first come to mind are often those that most resemble what we have done before.
   - As soon as we find an alternative that seems satisfactory, we stop searching, even though even better alternatives may exist.

   In order to avoid these common errors, participants in brainstorming follow these procedures:
   a. The problem is phrased as a question (such as, "How can we make personal leave more flexible?" and written on a large newsprint pad in front of the group by a member serving as recorder.
   b. Members of the group are asked to call out ideas that respond to the question; these responses are noted on the pad by the recorder.
   c. Prior to calling out responses, members of the group are told the rules of brainstorming, which include:
      - Criticism of any idea presented is not permitted at this stage in the process.
      - Wild and radical ideas are welcome (they may help give someone else an idea).
      - People should build on or improve previous ideas, by combining them, for example.
      - Quantity is desirable; the more ideas the better.
      - No individual is committed to any idea he or she presents; all ideas belong to the entire group.
   d. After ideas have been exhausted, discussion and evaluation begins. The group identifies the ideas with the greatest promise (that is, those that appear to be both responsive to the problem and feasible) and begins to consider the costs and benefits. Clearly, one of the major issues in the acceptability of an alternative will be the degree to which it meets the needs of the other side (in this particular case, it should cost less than the present leave system).

Experiment with brainstorming by using a demand that your team is likely to place on the bargaining table during the next round of negotiations. Agree on the problem to which that demand is presumably the solution. Then brainstorm a range of alternative solutions to see if any are superior to the original solution. Even if you do not come up with ideas you like better, your experience in generating alternatives should leave you more open to carefully listening to alternatives offered by the other side.

MGB Suggestions

To increase the use of collaborative problem-solving approaches to complex bargaining agendas, bargaining teams might consider

1. Going to the bargaining table with one or more items presented as a problem rather than a demand. For example, instead of saying "We are demanding an increase in personal leave days from four to eight," you might try, "Our membership has a problem related to the flexibility of personal leave provisions. We would like to discuss some alternative solutions to this problem with you."
2. Setting up a joint prenegotiation workshop on a question that is going to be important in the bargaining session, making relevant literature available to both sides, and bringing in experts to give both teams a common base of understanding of the problem as well as a sense of how other campuses have been handling it.
3. Remanding a complex matter to a joint study committee whose members are selected by the bargaining teams but who are not themselves bargaining team members. The joint study committee can be charged with using

problem-solving techniques to develop a recommended course of action. This recommendation is then sent back to the bargaining table for whatever action the bargainers choose to take.

4. Using brainstorming techniques in an off-the-record bargaining session so that negotiators can generate alternatives themselves for later consideration; in following brainstorming ground rules, participants can explore various ideas (even those that seem to be of greater interest to the other side than to yours) without incurring a commitment to any of them.

The Language of MGB

Dialogue

(at the bargaining table)

Amala: Our salary proposal is 8 percent across the board. That's 4 percent this year and 4 percent next year, and that's it. That's all we can afford within our present budget's limits and our building renovation needs.

Fay: That's not only unacceptable in terms of what we need and deserve, but it's an insult to our intelligence, too. The faculty can't live on that, and it's less than other faculties in the state have received.

Alda: Well, that's too bad, but it's the bottom line for us. We've already come up from 3 to 4 percent, and that's enough of a concession on our part. The faculty will have to bear its share of the cost of campus upkeep just like the rest of us.

Fran: It's clear what you're trying to do; you are taking salary dollars from us to pay for other programs you prefer. It won't wash with us or our members. It's not the faculty's job to pay for campus upkeep. We want a decent salary increase. You'd better find the dollars, or you're going to have a strike on your hands.

Theory

This scenario reflects the quality of communication often seen in highly adversarial exchanges. The statements made by both sides fairly bristle with accusations, defensive self-justifications, and both veiled and overt threats. Furthermore, the language of both the administration's proposal and the faculty's response tend to shut off rather than encourage constructive bargaining. Neither side "invites" the other to make counterproposals. Each side seems to be accusing the other, by innuendo, of being unfair, insensitive to its needs, and highhanded. Each side presents the other with an ultimatum leaving little if any room for constructive bargaining. It is apparent that the adversarial language used by both sides severely limits bargaining and in large measure predisposes the exchange to sustained conflict. This is indeed paradoxical, since if the principal objective of negotiations is to obtain the best possible outcomes, then each side in this all-too-familiar dialogue is clearly acting against its own best interests.

Just as language may be used to exacerbate conflict, it may also be used to move toward more constructive bargaining by bringing potential areas of mutual interest into clearer focus. By learning and practicing the language of MGB in their bargaining and related activities, both sides may be better able to identify a variety of mutually attractive objectives. By vigorously pursuing such goals, they may greatly expand the range of alternative solutions and create a dramatic improvement in the outcomes obtained by each.

The concept of a language of MGB is based on several fundamental assumptions; they are:

1. In most negotiations, opposing sides are likely to have at least some mutual interests; indeed, it is difficult to imagine a *purely* competitive negotiation relationship where there are no overlapping interests. The main problem in many bargaining relationships remains that of identifying such overlapping interests.
2. Opposing negotiators are capable (although in varying degree) of learning and practicing a variety of techniques for identifying and exploring their mutual interests.
3. Many of these techniques involve the use of language.

Some examples of the differences between adversarial and MGB language suggest the kind of communications skills that are useful in promoting more constructive bargaining.

Defining mutual gains objectives

Adversarial: Campus upkeep is the administration's problem.

MGB: Even though maintenance is an administrative responsibility, we both have an interest in keeping the physical plant attractive and functional.

Acknowledging the validity of the other's problems

Adversarial: Faculty salaries are already too large a part of the budget.

MGB: We can understand why the faculty is upset when it compares our offer to other settlements in the state.

Phrasing mutual gains proposals

Adversarial: We demand an 8 percent across-the-board salary increase this year and next.

MGB: Would you consider a salary increase closer to 8 percent this year and next if we were to pitch in and help find ways of solving the campus's upkeep problem?

Informing others of intentions and expectations relevant to achieving mutual gains

Adversarial: We will not shoulder the burden for campus upkeep. Finding the money and figuring out how to do it is your problem.

MGB: We intend to find some joint solution to our campus's upkeep problem, and we expect you to come much closer to meeting our salary needs if we succeed. What specifically would you do for us on salary if we were to work with you to get the level of campus maintenance you feel you need?

Suggesting alternative solutions leading to increased mutual gains

Adversarial: There's no way to get the campus improvement efforts from our members that you want.

MGB: Our members might be willing to get involved in a campus improvement program if you gave us . . . .

Sharpening proposals to expand potential mutual gains outcomes

Adversarial: Your offer of a 4 percent salary increase isn't enough to satisfy our membership, and you can't expect us to do any additional work.

MGB: Your offer of a 4 percent salary increase isn't enough to satisfy our membership, but we might be willing to take on some additional teaching and to participate in the alumni fund-raising campaign if we can reach an agreement on salary.

Exploring alternatives for the mutual gains potential

Adversarial: No, we won't even consider an increase of 8 percent.

MGB: Well, we might consider something closer to 8 percent for some of your membership if you were willing to . . . .

Accepting mutual gains' proposals conditionally

Adversarial: Your last offer wasn't enough. It's an insult. We reject it.

MGB: We might be able to accept something like your last offer if you also included . . . , which would be of great value to both of us in the long run.

Articulating clear mutual gains agreements

Adversarial: No! We refuse to do *X*.

MGB: We might be willing to do *X* over a period of time if you will agree to *Y*. Although this would be subject to approval by our members, we would work hard to get it so that we can both get on with other things important to all of us.

Each of these skills is related to four major aspects of effective communication in negotiations. First, they use positive rather than negative influence techniques. That is, they rely on promise, reward, and acceptance of responsibility for joint activities rather than denial, deception, rejection, coercion, or threat. Second, they avoid premature overcommitment to positions based exclusively on self-interest. Third, they emphasize flexibility and tentativeness when exploring mutual gains opportunities. And fourth, they emphasize the intensive search for possible joint activities, mutual goals, and refinement of mutually gainful solutions.

The language used at the bargaining table does much more than just convey information; it is also a signal to the other team. The use of invective or distortion, taking an adamant position, impugning motives, and similar verbal behaviors identify the user as an unscrupulous adversary and invites reciprocal treatment. Bargainers wishing to move toward the more collaborative approaches of MGB must give attention to changing their language so that it properly signals a change in their bargaining behavior.

Exercise

Divide your bargaining team in half, one group taking the role of union bargainers and the other, the administration. Negotiate over a specific issue that was contested during your last round of bargaining using the type of language that typifies your sessions. Then reverse roles and negotiate over the same issue using the language of MGB. If possible, videotape both sessions. At the conclusion, meet together and discuss the effects of both languages. How did they affect your perceptions of the other team's goals and interests? Their reasonableness? Their concern for the institution? Their trustworthiness? Did either one seem more creative and productive? More likely to move toward a conclusion?

MGB Suggestion

Together with your bargaining teammates, generate lists of phrases, clauses, prefixes, suffixes, etc., that may be used when planning MGB proposals or counterproposals. Review each of your team's proposals, and determine how it can be worded or presented to exploit its MGB potential. Assign someone to monitor your presentation of proposals and make suggestions to the team for improvement after the bargaining session.

Issue Control and Fractionating Conflict

Dialogue

(at the bargaining table)

Fran: Let's turn to our proposal concerning overload teaching. Last semester, Dean Jones in Arts and Sciences assigned overload teaching to Professor Smith. We don't think that an overload should be assigned without prior consultation with the union.

Arlin: Come on, now. Course assignment is a managerial prerogative. We're not about to give the union the right to make managerial decisions. As a matter of fact, we think our present clause concerning evening teaching has already gone too far in that direction. I think this raises the entire issue of teaching loads. We should be able to decide who is going to teach what, and when, consistent with the needs of the institution.

Fran: Wait just a minute, here. When we discuss teaching assignments, we're dealing with academic freedom.

Theory

There is almost no completely objective way of defining a dispute, and negotiating parties often have a great deal of leeway in deciding exactly how the issues brought to the table should be considered. One of the variables is identifying the parties on each side of the issue. In our scenario, for example, the parties could choose to consider the issue as a problem between Dean Jones and Professor Smith or between the dean and faculty of the College of Arts and Science or between the university's administration and the total faculty or even between administrations and faculties in higher education in general. Obviously, as the scope of this controversy increases and moves from specific individuals to broad and amorphous categories, it will become increasingly difficult to resolve.

As a general principle, it is easier to resolve little issues than large ones. "Issue control" refers to the use bargainers make of the ability to adjust the size of the issues they confront. The process of taking large issues (which are difficult to resolve) and dividing them into smaller, more manageable ones has been called "fractionating conflict." There are several ways of fractionating conflict. Two of the most important involve the distinction between tangible and intangible issues and determining the size of the immediate issue.

Tangible and Intangible Issues. Most negotiations involve efforts by the parties to the exchange to divide limited resources. Such resources are composed of units that may include various amounts of time, money, physical entities, people, or commodities. Usually, the allocation of such resources constitutes the *tangible* issues being negotiated.

However, other kinds of concerns may also be generated by specific tangible issues, and they may become equally if not *more* important in negotiations. For example, a party may feel insulted by a wage offer that is seen as woefully inadequate or may fear looking weak to the opponent or to constituencies by too readily accepting a low offer or making a large concession. Similarly, a bargainer may fear losing honor in the eyes of colleagues for failing to defend a vital principle. In our scenario, such intangibles as management rights and academic freedom would likely become heated intangible spin-offs of the specific tangible issue of additional teaching assignments.

One important difference between tangible and intangible issues is related to the fact that the former can, in most instances, be broken down into smaller units, but the latter cannot be fractionated in such a manner. For instance, when trying to reach agreement on additional teaching assignments, proposals may be framed in terms of the number of faculty who can teach additional courses, the number of additional course hours to be taught, the times or locations where they are to be taught, salary levels at different ranks or years of service or departments, and similar matters. If the issue is discussed as a matter of academic freedom, however, the parties find themselves dealing with matters of principle on which neither is willing to yield.

In general, when issues are tangible, they are more likely to be resolved through negotiations, and less likely to lead to disruptive conflict, than when they are intangible.

Size of the Immediate Issue. In addition to being tangible or intangible, many concerns can also be presented as either simple or compound. A simple concern involves one or a small number of specific issues that can be resolved independently. A compound concern involves a larger number of issues integrated into a single inflexible package so that none of the issues can be resolved unless all are resolved. In our scenario, the relatively simple issue of additional teaching assignments threatens to expand to become the compound and multifaceted issue of teaching assignments in general.

Since issues become more difficult to deal with as they become larger, it is sensible for negotiators to fractionate conflict by dividing large and intractable issues into their component parts and insofar as possible to bargain on each part separately. But while separating issues has major benefits, it has risks as well. If issues are too narrowly defined, opportunities for finding mutually agreeable settlements become more constrained. Negotiators, therefore, will find it best to try to define issues in such a way that, while issues are considered separately rather than together, opportunities exist for coupling them in clusters in ways that facilitate settlement.

In addition to making it easier to manage conflict, fractionation and related techniques, especially when applied to sets or clusters of tangible issues, may yield a far greater number of potentially acceptable packages or solutions than would otherwise be available to either side. Even though bargainers may not be able to obtain everything they want on a particular issue, they may be able to "make up the difference" on other important issues. In contrast, such intangible issues as honor, loss of face, injustice, fairness, academic freedom, or management prerogatives are in themselves nondivisible. Tangible issues may be manipulated, played with, made larger or smaller, hooked together, broken apart, or framed in different terms in order to make them more conducive to settlement. Intangibles, on the other hand, must be dealt with either by holding them aside or redefining them in more tangible terms. Unless intangibles are treated in this manner, they are likely to remain unresolved and interfere with progress in negotiation.

Exercises

1. Identify one or more issues of concern to your team (or issues of concern to the other team) that have potential intangible spin-offs. As a team, practice redefining the issue(s) so that the tangible and intangible aspects of the issue may be separated.
2. Consider the tangible elements of an issue, and identify the several different units contained in that issue. For example, the issue of salary increases involves units of not just money but time and people as well and may potentially be settled by agreeing to different amounts of salary increases awarded at different intervals to different kinds of people. Practice fractionation by developing as large a list as you can of potential alternative couplings of these units. Then use the ideas on this list to develop several different proposals framed in terms of the potential mutual gains to each side.

MGB Suggestions

The constructive management of conflict can be enhanced through techniques of issue control. Bargainers should keep the following concepts in mind when preparing proposals and counteroffers, as well as during the course of negotiations.

1. An issue's "reward structure" may be altered. Competitive reward structures provide for gain by one side but not the other; cooperative reward structures enable both sides to gain. Most issues can be defined or redefined in a manner that yields gains for both sides. It is important, therefore, to remain flexible until acceptable solutions are discovered rather than adhere to a narrowly defined and inflexible package of demands.
2. Avoid casting issues in terms of intangibles that cannot be negotiated. If intangible issues arise, identify them clearly, and either set them aside or try to redefine them in more tangible terms.
3. Issues to be negotiated can be formed into subsets or clusters in order to facilitate agreement. Such coupling can involve contingency on future agreement (e.g., "We would be willing to give you *X* if we can reach an agreement on *Y*"). Keep your options open as long as possible. Avoid premature commitment to a particular position or coupling on any given issue.
4. Use tentative language until agreement is imminent (for example, "How does this sound to you?" or "Would you be willing to accept . . . ?").
5. Test to determine viable alternative solutions. Generate a variety of possible solutions, and avoid making assumptions about the other side's response to them.

Organizing for MGB

Dialogue

(in the union's caucus room)

Fran: I think we have to be tough in order to get anywhere on the salary issue. We should demand at least a 15-percent increase in the salary schedule in addition to a regular increment.

Fay: At least that. If we have to back down, at least we'll end up closer to where we want to be.

Florence: Right. And no talk about give-backs or productivity either. That's just an excuse for getting more out of us while they take it easy. We have to let them know that if we don't get close to what we're asking, they'll have a strike on their hands.

Fay: Okay, we all agree. I'll make the demand at the next session.

Theory

Our scenario depicts a team planning session that is probably not uncommon. It is obvious that the session is focused almost entirely on the issues to be negotiated, with no attention given to searching for effective alternatives and all that that entails. What is less obvious is that the team has given little thought to organizing itself in ways that might make it more effective in pursuing constructive outcomes. Instead, it has adopted a simplistic, unthinking, and unidimensional position based largely on its own presumption that virtually any proposal made by the other side would be inadequate or unjust. There is no flexibility, no effort toward developing counterproposals, no apparent awareness that the exchange may be used proactively as a basis for carving acceptable agreements out of the offers that are sent back and forth; and no one is assuming responsibility for initiating these processes within the team. To the contrary, the dialogue gives the distinct impression that this team stands ready to break off negotiations even *before* the exchange begins.

The team's failure to develop a carefully considered strategy for carrying out a successful negotiation is reflected in its failure to organize itself effectively. The chief negotiator in this situation has instead hastily adopted the relatively disjointed personal antagonisms voiced by other team members and without weighing pros and cons, has incorporated their views into a plan that is neither responsive to the other side nor suitable to sustaining bargaining.

When issues to be negotiated are complex and potentially disruptive, effective bargaining requires effective team organization. This generally requires continuing attention to two related activities. First, there is the identification, allocation, utilization, and expansion of the human resources needed by the team (i.e., definition of needed roles, functions, and skills in light of specific problems faced by the team and the kinds of issues typically dealt with in its negotiations). Second, there is the need for systematic assessment of the degree to which team roles and functions are related to issues being negotiated. This includes screening, selecting, and training team members to provide the skills needed to expand effectively options for mutual gains.

Central to team organization is the principle of functional role allocation. The concepts of MGB that have been developed throughout this book suggest specific roles that team members can play. It is useful for your team to actively discuss these roles and assign to various members the responsibility for those roles that appear useful. Some *examples* of functional roles that we have identified to make the concept of assigning responsibilities more concrete are:

Joint activity specialist. A team member asked to observe and analyze the negotiating process while thinking about activities in which both sides might engage to increase their mutual gains outcomes. If this person has special training, he or she might also be asked to work directly with the other side to facilitate these activities.

Team resource specialist. A team member responsible for looking for and integrating information and other resources needed by the team. For example, this person would locate data sources to meet the team's information needs, identify those on or off the team with expertise in a subject under negotiation, and maintain records of the status of each proposal on the table.

Issue control expert. A team member asked to review all proposals with an eye toward developing alternative proposals and counterproposals, contingencies, trade-offs, packages, etc. This person would also identify ways of fractionating issues.

Team process observer. A team member whose function is monitoring and trouble shooting various aspects of teamwork (such as team decision making, leadership, communication, problem solving, etc.) during negotiations and in related activities in order to identify problems in the team's own operations that might be reducing its effectiveness.

Additional functional roles include *informal contact specialist* (sets up informal meetings with the other side), *future relations specialist* (formulates plans for upcoming meetings/exchanges with the other side), and *training manager* (explores and provides information to the team about training opportunities).

Many of these activities often occur in bargaining without having these roles clearly specified. But calling attention to these activities, and identifying specific people responsible for those that a team considers important, make it more likely that they will be given attention and not overlooked at critical times in the bargaining process.

Exercise

Meet as a team to review the previous round of contract negotiations. Discuss in specificity the extent to which individual team members performed specialized functional roles, and make an inventory of the roles performed. Then make a separate list of the roles that *could* have been performed but were not. Consider the desirability/applicability of these roles in your own bargaining context, and discuss how the presence of team members assigned these roles might have had an impact on negotiations.

MGB Suggestions

1. Conduct a team meeting for the explicit purpose of identifying needed functional roles for future negotiations. Identify specific team members who are best prepared to assume such roles. Be careful to obtain the team's consensus on role assignments.
2. After assigning needed roles/functions, conduct a team session where members actively provide these functions while planning for an upcoming exchange with the other side. Using either videotape or trained observers, build "stop-action" periods into these functional role-allocation practice sessions in order to identify and rectify problems or difficulties in these areas.

Using Dual-Track Governance

Dialogue

(at the bargaining table)

Alda: We aren't going to respond to your demands on promotion and tenure procedures. These have traditionally been the responsibility of the faculty senate at Huxley, and we see no reason to change.

Fran: The union has the legal right to get these procedures in the contract so that they are protected and they have some teeth in them.

Amala: The senate represents the faculty, and it's better to deal with them in our traditional collegial way rather than through bargaining.

Florence: Well, the union represents the faculty, too, and we're putting the items on the table.

Arlin: If the union insists on negotiating everything, maybe we don't need a senate at all. Let's do away with it, if that's what you want. We can start to deal with each other strictly as employers and employees, but I don't think that's in the faculty's best interests.

Fay: See, that's just what we mean. You can do away with the senate whenever you want. Well that's fine with me. It has always been a powerless body anyway. And as far as the faculty's best interests are concerned, we *are* the faculty and that's a decision for us to make.

Theory

At some institutions of higher education, the initial reaction of the administration to faculty collective bargaining was to announce that other forms of faculty governance were no longer operational because it was believed that collective bargaining had sole jurisdiction over matters of faculty concern. In other settings, faculty union negotiators have challenged the role of senates in dealing with issues that they believed to be within the jurisdiction of the union.

In these examples and our Huxley College scenario, as you would expect of competitive bargaining, the parties were more interested in preserving prerogatives than in exploring alternative ways of solving problems. The means (management rights, exclusive representation) had become more important than the ends. Considering the union or the senate as an either/or proposition obscures the fact that faculty governance provides a fertile ground for practicing the noncompetitive, integrative approaches of MGB. Assuming shared values about the importance of faculty involvement in decision making, the problem to be resolved is what mechanisms can be developed for dealing with what issues. Let us explore the possibilities.

Obviously, employers in higher education could adhere, as some have, to the limits of collective-bargaining legislation and negotiate only narrowly defined terms and conditions of employment, retaining all other managerial prerogatives for themselves. But the norms of collegiality in higher education have, in many instances, produced a different type of outcome. Research on the relationship between traditional governance and collective bargaining has indicated that the two mechanisms for participation can and do coexist in a form of decision making that has been labeled dual-track governance. Thus, despite early fears that collective bargaining would compete with more traditional forums, such as senates, unions have learned to live with (and, in many instances, to extend or establish within the bargaining agreement) the more traditional forms of faculty participation. Indeed, incorporating these mechanisms into labor agreements has prevented unilateral administrative alterations. In a sense, some unions have thus become managers of the faculty governance systems, ensuring that administrators live up to their agreement to involve faculty in decision making.

The usual division of topics to be dealt with in collective bargaining versus senates or councils is that unions negotiate salary, fringe benefits, personnel procedures and working conditions (the typical subjects of negotiations), while issues broadly labeled academic policy (curriculum, grading policies, and promotion criteria, for example) are dealt with in the senate. In some cases, to reach this balance, senates have given up jurisdiction over some topics, while unions have been willing to delegate authority on other bargainable topics to senates. In the process, the arenas for decision making are separated, with collective bargaining dealing with the more difficult issues of resource allocation.

Separating the decision-making agenda also permits using quite different bargaining tactics. Distributive tactics and strategies can be reserved for difficult resource-allocation decisions under collective bargaining, while integrative strategies can be used in other forms of faculty participation. By compartmentalizing bargaining approaches in this way, it is easier to use problem-solving techniques on a wider variety of topics. (This is not to say, however, that MGB techniques cannot be used on economic resource-allocation issues. Indeed, these areas often do have integrative potential, and the adversarial relationships they often engender can be reduced through MGB.)

A final point to be made is that there are clear differences between collective bargaining and

other forms of faculty participation. Faculty representation through collective bargaining is more formal; it is discontinuous once negotiations end; it is indirect through union officials and involves decision making over a narrow content range dealing with salary and terms and conditions of employment. Other forms of faculty participation are continuous, more direct, more informal, and deal with broader content (although often at a consultative rather than a determinative level).

By separating agendas and people, dual-track governance can be used to make bargaining more constructive. Bargainers should use the existence of a dual system to their mutual advantage, agreeing to allocate problems to the appropriate forum based on topic and integrative potential rather than on narrowly construed and legalistic definitions of negotiability.

Exercise

Review with your team the bargaining agenda for the last round or two of negotiations. Identify the issues brought to the table that you believe could have been more effectively addressed through the faculty senate or other representative body. For each such item (1) try to analyze the concerns of the other side that led them to advocate its inclusion in the contract and (2) use brainstorming techniques to identify as many alternative ways as possible of constructively meeting those concerns so that the other side's opposition can be reduced or eliminated. The focus of this exercise is not to develop strong arguments in order to convince the other side (an activity that we believe is unlikely to succeed), but rather to find constructive ways of satisfying their needs.

MGB Suggestions

1. Consider establishing mechanisms to facilitate communications between the union and the senate. One possibility is a joint administration/union/senate liaison committee composed of officers of all three groups that meets on a regular basis to discuss the agendas of the two faculty bodies. Such meetings may be used to reach agreement on the appropriate forum for different problems; to assure participants that an item is being attended to by some other group (thus often relieving the concern that leads to placing it on their own agenda); and to avoid the confusion and misunderstandings that might otherwise develop when several groups, unaware of each other's activities, try to deal with the same problem and arrive at quite different solutions.
2. On many campuses, there is some overlapping membership between the senate and the union leadership. Administrators at some campuses may avoid placing individuals with joint senate– union affiliations on college committees because of a concern for potential conflict of interest. Campuses where this conflict of interest concern has been expressed might experiment with the important intergroup communications functions these people can fulfill by appointing union officials who are also members of senates to several committees.

Chapter 5

Evaluating Existing Bargaining Relationships

Although faculty and administrators on many campuses may have common educational backgrounds and share similar values, they often disagree on their perceptions of how effectively the institution is functioning and what should be done to improve it. In many ways, these disagreements are to be expected, since people who fill different roles are likely to have different experiences and see different aspects of the organization in different ways. We have already mentioned the effects of intergroup conflict on distorting perceptions, and when administrations and unions engage in competition, the normal and expected differences in their views tend to become exaggerated. By the time bargaining has become a disruptive process, it is not only likely that both sides have inaccurately attributed blame for the deteriorating relationship, but are also unable to assess accurately their relationship at all. For example, each side may erroneously believe that while it wishes to cooperate, the other side has adopted an adversarial posture; or that while it has indicated a willingness to compromise, the other side is monolithic and therefore inflexible; or that although its team accurately speaks for its principals, the opposing bargainers are a minority "fringe group" who do not really represent the desires of its constituents.

To the extent that such perceptions are distortions of reality they inhibit the development of the collaborative relationships that are the focus of MGB. It is to the advantage of each party to be able clearly and objectively to understand the perceptions of the other side, but the suspicion and filtered communications that are the inevitable by-products of intergroup competition make such understanding increasingly unlikely. Under these conditions, how can the parties begin to develop a more accurate assessment of their relationship?

We have used two techniques in our program that we have found useful in collecting and analyzing data to make an accurate assessment possible. One technique involves interviewing participants in the bargaining process; the other requires administering and analyzing a questionnaire. We remind the reader again that, as is true with many other aspects of MGB, proper and effective use of either of these techniques requires the prior approval (and for maximum effect, the public support) of the campus president and the union president. Unilateral data collection, however well intentioned, is likely to disrupt rather than improve the relationships between the parties.

Campus Interviews

Interviews are a common method of collecting data about institutional functioning. The interviewer should be a person (or people) with experience in interview techniques who understands higher education, is familiar with collective bargaining, and enjoys the confidence of both the union and institutional administrations. Except under the most unusual circumstances, interviews should be conducted by a neutral third party. The role of the interviewer is to gather information, present to the principals in the bargaining process a summary of collected data that describes the present situation (*not* just a report of individual interviews), and then help the parties analyze these data in constructive ways. It is critical that interviewees be assured of confidentiality and that the summary report be presented to the parties in such a manner that no individual comment can be associated with any specific person.

The number of people who must be interviewed in order to develop an accurate assessment of the bargaining relationship may

vary from campus to campus. We suspect that twelve may be sufficient in most cases, but as few as six or as many as twenty may be necessary under specific circumstances. At least four specific people should *always* be among those interviewed, since their perceptions and attitudes have major influence on the negotiations process; they include the campus president, the chief administration negotiator, the faculty union president, and the chief union negotiator. These people can in turn be asked to identify others who are familiar with, or influential in, campus bargaining. Among administrators, this may often include other senior campus officers or past or present members of the bargaining or backup teams. For the union, it may include previous union presidents, officers, chief negotiators, or other members of the bargaining team. To assure balance, as well as to demonstrate sensitivity to political concerns, we suggest that approximately equal numbers of people from both sides be interviewed.

We suggest that interviews be open ended rather than highly structured to permit follow-up questions and drawing out the respondents. It does not take many questions to elicit major concerns, often in rich detail; we recommend the following:

- Tell me about the relationship between the administration and the union and how it got that way.
- What were the major issues in bargaining last time, and how were they resolved?
- What has the union done to make bargaining here more difficult?
- What could the union do to improve bargaining here?
- What has the administration done to make bargaining here more difficult?
- What could the administration do to improve bargaining here?
- Is there anything else you think I should know about bargaining here?

Interview data, properly collected and effectively summarized at a joint meeting of the administration and union leadership, can be a most potent means of confronting campus leaders with shared perceptions about problems, interests, behaviors, and opportunities for change. Such a summary can help disconfirm previously unquestioned assumptions and begin to build a sense of collective responsibility and collective commitment to make things better. If the interviewing is sound, the summary is likely to be accepted by the participants as an accurate reflection of bargaining relationships.

The Academic Bargaining Questionnaire

The Academic Bargaining Questionnaire (ABQ) offers an alternative method of collecting and analyzing data about bargaining relationships. It can be used instead of, or in conjunction with, a program of interviews. The ABQ is an instrument that can be completed by all (or a sample of) faculty and administrators on a campus. Summarized responses to the ABQ can be used to compare differences in perceptions about campus climate, bargaining behavior, and bargaining outcomes. These data, in turn, can serve as the basis for intra- and intergroup discussions and analyses.

Although the ABQ is designed to be self-administered by the parties, like many other aspects of MGB it is preferable to have a neutral third party collect and analyze the data. Such a person can also facilitate discussions that ensue between the bargaining parties. This helps ensure the confidentiality of individual responses, increase confidence in the integrity of the data and the analysis, and increase the possibility that discussion sessions will be used constructively rather than as a forum for recriminations or to continue previously disruptive behavior.

The ABQ along with a sample cover letter that we have used to encourage participation by respondents are reproduced in Appendix A. Institutions are free to reproduce the ABQ in any quantity desired as long as a reference to the Teachers College, Columbia University, Institute of Higher Education, and seal are included and this book is cited as the source. The instructions given assume that the ABQ will be evaluated and analyzed for the parties by an external agency. If this is not the case, the instructions should be revised to clearly indicate the conditions of confidentiality that respondents can expect. We strongly recommend that a cover letter, signed by the college president and union president, accompany each questionnaire. This will encourage faculty and administration to participate, ensure respondents that the questionnaire is not being circulated to harm one side or the other, and also signal both parties' mutual interest in improving their relationship.

The Structure of the ABQ

The ABQ is divided into five sections. A description of the rationale for each section and the conceptual basis of each follows. These descriptions will prove most useful if read in concert with the relevant sections of the ABQ in Appendix A.

Part A. This section consists of eighteen items related to the general institutional climate. None of the items are specific to collective bargaining, but all deal with aspects of institutional functioning that are reflected on many campuses in the relationships between bargainers and the nature of their bargaining postures.

The eighteen items were developed to identify six different aspects of institutional functioning based in great measure on Weisbord's six-box organizational model. The six factors, each composed of three separate items on Part A of the ABQ, are:

Purpose: the extent to which respondents are committed to shared campus goals (items 1, 7, 13).

Structure: the degree to which campus groups are involved in governance (items 2, 8, 14).

Relationships: the nature of interactions between administration and faculty (items 3, 9, 15).

Leadership: the effectiveness of the administration in directing activities and providing resources (items 4, 10, 16).

Rewards: levels of morale and satisfaction (items 5, 11, 17).

Conflict management: processes used to resolve campus conflict (items 6, 12, 18).

The eighteen items in the ABQ were selected from responses to forty-one items in an earlier version of the questionnaire, and the six dimensions in the final version were based on interitem correlations and estimates of scale reliability.

Respondents rate each item on a five-point scale ranging from *strongly disagree* (1) to *strongly agree* (5). In analyzing and reporting the data, responses of faculty and administrators are separately aggregated, the five categories are collapsed into three (*agree, neither agree nor disagree, disagree*), and the distribution of responses by percent are displayed grouped by factor to facilitate intergroup comparisons. Modal responses are circled to make patterns in the data more evident. The format for displaying responses to Part A of the ABQ is found in Appendix B. The data in this appendix are a composite and not necessarily indicative of the responses of any single institution.

Part B. This is the most important section of the ABQ because it describes the campus constituencies' perceptions of the bargaining process and the relationship between the bargainers. Part B consists of two sets of identical items, both sets to be completed by all respondents. The first set asks respondents to identify bargaining behaviors characteristic of the administration; the second set asks respondents to identify bargaining behaviors characteristic of the union.

Many of the items in Part B appear to require an intimate knowledge of behavior available only to those who had been present at the bargaining table. However, our experience is that other respondents have no difficulty whatsoever in completing these items. It may be argued that these other respondents have no experiential basis for their judgments, but we believe that regardless of how their perceptions develop, the constituencies' beliefs play an important role in the dynamics of the bargaining process.

Each of the twelve items in the two identical sets refers to a specific aspect of bargaining behavior and asks the respondent to select one of three possible statements that completes the item and most accurately reflects the actual practice on that campus. In each case, the three alternative statements represent different locations on a bargaining continuum, which we have identified as adversarial, competitive, and collaborative. The characteristic behaviors of each are described in the following paragraphs.

Adversarial bargaining exists when parties are seen to take unreasonable positions, unduly limit what can be negotiated, use unfair pressure tactics, refuse to provide information, ridicule the other side's ideas, or purposefully miscommunicate. The parties use the grievance system to punish each other; they do not establish relationships outside the formal negotiations setting; and they often are viewed as not living up to their agreements. We consider this to be a pathological relationship that exists at only a relatively few institutions. It is a situation that places great stress on the participants and ultimately weakens their institution.

Competitive bargaining exists when parties take positions that are reasonable but of only self-benefit, bargain over a reasonable range of issues, try to compromise differences, communicate ambiguously but not inaccurately, and argue against new ideas. Grievances are treated fairly and "by the book"; scheduled joint meetings are held outside the bargaining conference; and the requirements of the contract are followed. We consider this to be typical of most bargaining relationships where, within limits of fairness, each party tries to get as much as possible and give up as little. The relationship does not harm the institution but on the other hand does not usually assist in its development either.

Item Numbers	Response		
	Adversarial	Competitive	Collaborative
1, 13	a	b	c
2, 14	c	a	b
3, 15	b	c	a
4, 16	a	b	c
5, 17	a	b	c
6, 18	c	a	b
7, 19	b	c	a
8, 20	a	b	c
9, 21	c	a	b
10, 22	b	c	a
11, 23	a	b	c
12, 24	c	a	b

Collaborative bargaining exists when parties are concerned about each other's needs and are willing to negotiate over any issue that concerns the other. Disagreements lead to further attempts to clarify and develop creative alternatives; all information is made available to everyone involved; new ideas are mutually developed; and communications are open and accurate. Both parties are willing to bend in order to resolve grievances fairly, joint meetings are held whenever either side sees a problem emerging, and the contract is treated flexibly to meet emerging needs. This is the relationship we see as a possible outcome from MGB. Both parties use the bargaining process as a means of discovering or inventing creative solutions that meet their joint needs. As a result, the institution is strengthened, and both parties are satisfied.

In analyzing and reporting items in Part B, the percentage of respondents in one group selecting each alternative for an item related to the behavior of their own group is compared with similar responses by the other group, and modal responses are circled for clarity. This makes it possible to compare easily the differences and similarities between four sets of data on how the faculty views the union, the faculty views the administration, the administration views the union, and the administration views the administration.

Although the ABQ itself changes the sequence in which the three alternatives are presented to avoid response bias, the reporting system uniformly displays responses along the hypothesized continuum. The percentage indicating adversarial relationships is displayed on the left, competitive relationships in the center, and collaborative relationships on the right. Although each set of items can and should be individually analyzed and discussed, it is often possible by merely scanning the distribution of circled items (the modal responses) to sense quickly the extent to which adversarial relationships, competition, or collaboration typify a particular campus. The codes for determining whether responses reflect adversarial, competitive, or collaborative bargaining are shown in the table above. An example of the format for displaying the responses to Part B of the ABQ is found in Appendix B.

Part C. The eleven items in this section permit respondents to report their perception of changes on their campus that resulted from the last round of faculty bargaining. Responses on a five-point scale ranging from *greatly decreased* (1) to *greatly increased* (5) are collapsed into three categories (*decreased, no change, increased*), and the percentages in each category are displayed for both faculty and administration.

There is no strong conceptual base for this section, but the data permit the parties to determine both the positive and negative consequences of the way they usually engage in bargaining. The data may also focus attention on opportunities for constructive outcomes that were foregone in past negotiations. A sample of the data display for this section is shown in Appendix B.

Part D. This section permits respondents to enter from one to five suggestions to the administration and the union that the respondent believes would make bargaining better. It is the most potent section of the questionnaire because, unlike the statistical data in earlier sections, the results are concrete rather than abstract; they have high face validity; and they are almost impossible to psychologically discount.

In the pilot administration of the ABQ, we were concerned that relatively few people might take the time to complete this open-ended section. We had the same concerns when the revised version was administered on four different campuses, including two community colleges, a four-year comprehensive college, and a research university. In all cases, we found that

over 90 percent of the respondents completed this section; many of them had so much to say so that they continued their comments in the margins or added additional pages to the questionnaire!

The opportunity for campus constituents to speak their mind about the bargaining process is one that faculty and administrators alike appear eager to seize, and these comments are usually focused, balanced, and consistent. Faculty are not only able and willing to describe in detail how administrators can change in order to make bargaining better, but the faculty can with equal force indicate how the union can improve as well. In the same way, administrators find it as easy to suggest improvements for their colleagues as for the union.

The data are prepared by typing (to eliminate any possibility of identifying the writer) all responses verbatum and then making the comments available, at least in part, to both sets of negotiators. The job of retyping these comments appears at first to be enormous because of the high participation rate, but we found this not to be so. One person was able to prepare the comments from over 700 respondents in less than one day.

The data are prepared in four sets as follows:

Set a what the faculty says the union could do to make bargaining better.

Set b what the faculty says the administration could do.

Set c what the administration says the union could do.

Set d what the administration says the administration could do.

The union is then shown sets a, b, and c, and the administration is shown sets b, c, and d. Set a, indicating faculty suggestions to the union, is made available to only the union's negotiators; and set d, indicating administration suggestions to the administration, is made available to only the administration team, thus maintaining the confidentiality of the relationship between bargainers and their constituencies.

The suggestions not only tell bargainers that their constituents see room for improvement in their bargaining behavior, but they also indicate in some specificity what those improvements should be. In a majority of cases, the suggestions are consistent with more collaborative approaches to bargaining. An example of the format for preparing and displaying the responses to Part D is found in Appendix C.

Part E. This section uses coding to identify respondents as either faculty or administration, thus making it possible to eliminate responses from those who are members of neither group but received a questionnaire by mistake.

The Productive Use of Data

Data obtained from the ABQ are likely to confirm the intuition of many of the participants and disconfirm others. In either case, we can predict some reactions, which, if not controlled, can move discussions into nonproductive areas. We hope that by mentioning some of these reactions participants can become more self-conscious of their behavior and either individuals or their colleagues can develop self-correcting responses.

One common reaction is to reject the data by attacking the procedure or methodology. This may take the form of questioning the validity of the questionnaire, the campus's distribution process, the return rate, or the integrity of the analysts. Some (but by no means all) of these problems can be alleviated if the parties jointly participate in developing the process for collecting and analyzing the data. We suggest that the parties satisfy themselves about these matters *before* the ABQ is distributed and if related questions arise afterward, they should be discussed by technically competent people on campus who enjoy the confidence of both parties. Try not to focus attention on minor matters, such as whether the distribution of responses on one item is statistically significant. Look at the responses as holistically as possible and ask whether, in general, the questionnaire seems to describe what the campus is really like.

Another reaction is to immediately revert to former behavior where data was used for argumentation and debate rather than problem solving. We can suggest several rules that may be helpful in preventing this. First, assume good faith on the part of respondents. This means that, at minimum, there should be a willingness to accept the sincerity with which the views of the other side are held even if you do not agree with them. Remember that the data deal with perceptions, not facts; even if you believe that a perception is false, it is real to the person holding it. Second, do not try to convince someone that her or his perception is false. Instead, try to determine what behavior by your side could have led to such a perception. This will help you focus attention on how *you* can change *your* behavior to improve bargaining (something that is under your direct control)

rather than on how the other side should change (something that is not under your direct control). Third, because the formats for displaying the results of the ABQ juxtapose the responses of faculty and administrators and identify the modal response of each, the perceptions of each group can be easily compared. When doing so, there is a natural tendency to focus attention on the *differences* between the groups. To be sure, these differences are important and give insights into the nature of any disruptive conflict that may exist. Attention given to *similarities* will, however, often indicate shared values and perceptions that may serve as the basis for the development of more collaborative relationships.

Because of the sensitive nature of the questions on the ABQ, bargainers may initially be reluctant to have data collected from their constituencies seen by the other side. Previous experience may indicate that these data could be used to embarrass them or give the other side an unfair advantage in the next round of negotiations. We suggest that the principals or bargainers directly confront these concerns *before* reviewing the data by negotiating an agreement about how these data are to be appropriately used by both sides. Such an agreement might stipulate, for example, that the parties agree to use the data for only constructive purposes; they will not make public reference to the data; or they will consult with the leadership of the other group before any of the data are released on campus.

Finally, we strongly urge parties to seek assistance as they review the results of the ABQ. We believe that it is important to confront and acknowledge discrepancies between intentions and behaviors if relationships between groups are to be improved. At the same time, it is naïve to believe that merely presenting data suggesting problems will cause each side to see the errors of its ways and immediately reform its behavior. Indeed, in a bargaining relationship characterized by a history of low trust and disruptive conflict, it is quite possible that one or both parties may attempt to use ABQ responses to attack or embarrass the other side. The instrument designed to help the parties understand and improve their interaction could, under these conditions, actually contribute to its deterioration. For this reason, we strongly recommend that the intergroup review of ABQ data be conducted with the assistance of a neutral third party who is skilled in organizational analysis and group dynamics. Such a person can assist the parties in developing constructive and mutually acceptable procedures, analyzing data, and managing conflict. While the presence of a third party cannot guarantee a successful outcome, we believe that it makes it more likely.

Chapter 6

Moving Toward Mutual Gains Bargaining

In earlier chapters, we have presented much of the theory and the skills behind MGB. If you have reached this final section, you have probably been comparing the ideas and suggestions we describe with bargaining relationships on your own campus or with those of another institution that are familiar to you. Perhaps, like Molière's character who discovered that he had been speaking prose all his life without knowing it, you have become aware that you have, in fact, been applying the principles of MGB in your own situation. If that is so, we hope that we have reinforced your bargaining approach and perhaps even suggested some new ideas that can be of assistance to you and your bargaining colleagues.

On the other hand, you may have read the preceding chapters with a growing sense of disbelief. After all, bargaining is adversarial by definition, isn't it? And you have to apply power to get what you want, don't you? And even if these ideas might work somewhere else, how can they apply to *your* campus, since your negotiating history is unique; the opposing side is intransigent and concerned with only its own interests; their bargainers are unprincipled and without commitment to the basic values of academe and do not really accurately speak for their constituents anyway? If these are your present beliefs, we hope that you will keep open at least the *possibility* that more collaborative relationships might lead to better outcomes for your team. Even as you remain skeptical, keep alert for signals from the other side that it desires to improve relationships. This will take vigilance and sensitivity on your part because such signals become increasingly difficult to detect as a relationship becomes more adversarial.

We suspect that most readers will fall into a third category of those who believe that their present relationship can and should be improved and wish to do something about it. If you share this desire, your first question is probably "How do we begin?" The answer is the subject of this chapter.

First Steps Toward Collaboration

The concept of MGB is based on certain levels of mutual trust, openness, complete communications, cooperation, and a sense of shared goals. It would be a mistake, however, to believe that moving toward MGB requires immediately sharing all information, implicitly trusting the good faith of the other side, making yourself vulnerable to the other side by fully exposing all your positions. Indeed, we believe that it would be contrary to your best interests to do so.

Aspects of interpersonal or intergroup relationships, such as trust or cooperation, are matters of degree. Even the worst relationships must retain a minimal level of trust in order to persist at all, and even in the best relationships, trust is seldom unconditional and absolute. Trust, like the other values associated with MGB, cannot and should not be blindly embraced; it must be earned. This means that the parties in bargaining must be committed to *improving* their relationship, which is done by taking moderate but limited risks, constantly testing the other side's response, and assessing the extent to which further movement is justified. For example, when the initial calculated risk of releasing a limited amount of potentially damaging information to the other side is clearly rewarded by their reciprocity and constructive response, you then have the foundation for more extensive information sharing in the future. We suggest that the process of moving toward MGB on your campus begin with the following steps.

1. Discuss the concepts behind MGB with your own bargaining team and bargaining

principals. Ask them to read this guide. See if a consensus can be developed about the MGB approach. While under some circumstances you may try to immediately adopt a total MGB commitment, it is not essential to change immediately all aspects of your bargaining process. MGB, like bargaining itself, is not basically an all-or-nothing concept. You can use parts of it, assess their impact, and then decide whether or not to continue or expand its scope. While it is important to put an end to clearly adversarial behaviors and communications so that collaborative overtures at least have a chance of being heard, we expect that in the beginning a good part of the relationship between the bargaining parties will continue to be competitive in tone. A tentative, exploratory orientation in which you remain open to change while at the same time you test the ideas we have proposed is a reasonable basis on which to begin.

2. As you talk about MGB with your own team, discuss the concepts with your opposing bargaining team as well. Are they willing to consider this approach? Do not expect complete and unequivocal agreement from them nor should there necessarily be from you. All that is required is a willingness, without future commitment, to discuss and consider MGB in greater detail.
3. Once both sides have agreed that moving in the MGB direction is desirable, it may be useful to locate a neutral third party who can provide assistance. Such a person may already be on your own campus, but there are advantages to having the assistance of someone from outside the campus who carries no preconceived notions of the parties, their relationship, and their positions. Such a person should understand higher education, collective bargaining, and intergroup processes. You may be able to find such a neutral on the faculty of graduate programs in industrial relations, organizational psychology, or higher education. You may also find professionals in other fields who are experienced in mediation or organization development.

In mutually agreeing to consider MGB and in working together to find a satisfactory neutral, the two sides have already initiated collaborative behavior and notified each other of its desire, while protecting its own interests, to improve the relationship. The first steps have been taken.

Analyzing Constraints and Potentials

By now, both sides have become aware of the basic elements of MGB and indicated a willingness to explore its use on their campus. They might wish to assess the status of their relationship and determine what forces exist either to facilitate or inhibit moving toward MGB.

We have already discussed how questionnaire and interview data can be used to determine more accurately the campus's climate and bargaining relationships. In addition, the parties can take a direct approach to reviewing their bargaining history and the possibilities for change. This might involve one or more meetings between members of bargaining teams for the purpose of collaboratively exploring a series of questions. These meetings should take place outside the usual bargaining context, and parties might wish to develop ground rules (for example, all discussions are off the record, all statements are exploratory and noncommittal) to encourage the open expression of views. We believe that groups of about six people (three union and three administration) provide the best forum for examining these questions. If more people are to be involved, two groups can be established that would initially meet separately and then share their findings. We suggest the following questions for the joint committees:

1. What do we do on our campus that interferes with MGB?
2. What can be done to reduce these problems?
3. What do we do on campus that facilitates MGB?
4. What steps can we take to be more effective at MGB?
5. What sources of resistance to MGB could be encountered on our campus? How can they be dealt with effectively?
6. How can we improve the campus's bargaining climate and/or monitor the bargaining process in order to establish MGB as a viable approach?
7. What general activities or opportunities can we encourage in an effort to gain general support for MGB on our campus?

What Can We/They Do?

A great deal of the behavior of people involved in bargaining can be explained as a response to the team on the other side of the table. If it does something that we think is adversarial in nature, we are likely to respond in kind. And our adversarial response is, in turn, likely to provoke further adversarial behavior by the other side. If you ask each team "Who started it," each is likely to respond accurately from its own perspective "The other side did."

Since it is easy to misinterpret the intentions of a competitor, the processes of attribution that we have already discussed can intensify the conflict and lead each team to believe that it is blameless and that the other side is at fault. In traditional bargaining, we often spend a lot of our time arguing about who *really* caused a specific conflict situation. Participants in MGB bargaining, on the other hand, are aware that relationships between the parties are circular and reciprocal and that it is practically impossible (and usually pointless) to try and determine who is responsible for a conflict. Rather than accuse the other side, a better and more constructive approach is to ask two questions. First, what could we have done to lead the other side to behave as it did? Second, what can we do to change our behavior so that it will change the behavior of the other side? Notice that this approach does not require either side to admit that it has been wrong, but only to recognize that to at least some extent the other side is behaving in response to our own behavior.

We have already discussed a section of the ABQ that permits respondents to suggest what each side could do to make bargaining better. These replies can serve as one source of information about the behavior of both sides. Another way of approaching this issue is through both sides' participation in a meeting structured to elicit this information. Because such a meeting is confrontational in nature, it should be coordinated by a neutral third party.

Making Plans

Deciding to make your bargaining relationships more productive and working together to determine how they can be improved are necessary but not sufficient first steps towards MGB. In many organizations, and frequently in colleges and universities, decisions are made that are often not implemented. Sometimes this is because the parties engage in decision making by wishful thinking. After agreeing in principle that they wish to improve their bargaining, both sides disband without determining *in specificity* exactly what that decision means, or they fall into the trap of believing that rhetoric automatically leads to changes in behavior. It does not.

When we suggest that you make plans, we are referring to the development of firm and specific agreements, preferably codified in writing to minimize misunderstandings, that identify a limited number of agreed-on activities or programs, specify exactly who is going to do what, establish timetables, and have built in mechanisms for feedback and accountability.

Planning is the consequence of a sequence of activities; for example,

1. Both teams meet to define and agree mutually on a problem (a problem can be thought of as the difference between the actual and desired state of affairs in a specific area).
2. Working together, both teams (or joint subcommittees from each team) brainstorm about what can be done to move from the actual state of affairs to the desired state.
3. Both teams agree on about four to six of the best ideas from the brainstorming session, based upon how important and how feasible they are. (Both teams do *not* try to do everything because this is tantamount to doing nothing.)
4. At this point, planning begins. For each of the desired activities or programs, the teams should
   a. Discuss who or what can hinder or prevent the activity or program from being realized and specify the steps that can be taken to neutralize such interference;
   b. Discuss the steps that must be taken to move toward implementation;
   c. For each item in a and b, identify *specific* people who will be responsible for doing *specific* things by a *specific* time. In compiling this list, begin by thinking what you will have to do tomorrow. Things change quickly, and agreements to do something four weeks from now are likely either to be forgotten or to have become obsolete by the agreed-on date.
   d. Before the meeting ends, reach agreement on the date, time, and place of the next meeting, which will be called to assess progress, alter directions in view of the current status, hold everyone accountable for the assignments he or she has been given, and mutually agree on new assignments.

Using Others for Assistance

Throughout this book, we have promoted the use of neutral third parties in bargaining. The most common use of third parties in academic bargaining at present is at impasse, the point at which communications have broken down, the bargainers are committed to their positions, problem solving is no longer possible, and the teams involved are unable to reach agreement on their own. Neutral involvement at impasse is referred to as crisis intervention. But there are four times to use a neutral, not just one, and a third party can be used before negotiations, during negotiations, and after negotiations as well. Such uses of a neutral can be thought of as preventative interventions because they facilitate MGB and make crisis less likely. In a sense, a third-party neutral can be an MGB manager or interpreter who can help reduce competition by using the techniques previously described.

Before negotiations begin, a neutral can be effective in a variety of ways; for example, planning a MGB training workshop, like the one developed at Teachers College, is one way a neutral can help increase the team's knowledge about the substance and process of constructive bargaining. Although programs to train negotiators are offered by many profit and nonprofit organizations, often only one or two members of a particular team usually attend. There are significant advantages to having the complete team participate in such educational programs, particularly when a major change in the direction of the bargaining relationship is needed. A third party can also collect and analyze objective and subjective information. This can take the form of providing substantive materials needed by a joint study team or collecting and analyzing interview or questionnaire data assessing the nature of a bargaining relationship. Based on these data and his or her knowledge of the field, a third party can play an important role in supporting, identifying, or reinforcing collaborative initiatives.

During negotiations, but prior to impasse, a third party can help participants avoid developing inflexible commitments. A neutral can consult with team members to suggest new processes or structures, such as joint study committees, to lead to creative outcomes. A third party can suggest ways of fractionating conflict and help the teams control their agenda. Other neutral activities during bargaining may include monitoring communications, questioning attributions, encouraging problem solving, suggesting ways of generating alternatives, and providing feedback to bargainers on the effects of their behavior on others. In many ways, a neutral can do what a mediator at impasse can do but by working with the teams at a more malleable stage in their relationship, a neutral can help prevent an impasse. Our experiences suggest that a neutral at this stage can be most effective if permitted to observe at the bargaining table as well as in team caucuses. A neutral should be extremely cautious about making interventions early in the bargaining process and may be more active and effective in later stages when close rapport with both sides has been developed. In all cases, all parties should be in agreement at all times about what the permissable level of neutral's involvement should be.

After negotiations are over, the teams lose a good opportunity to get feedback about themselves if they do not take advantage of a neutral's specific knowledge about their recent bargaining experience. A third party can suggest improvements in bargaining relationships and negotiating procedures. A third party may also suggest ways of improving intraorganizational bargaining so that new ideas developed in the contract will be approved by constituents.

In stating our belief that a neutral can perform important functions before, during, and after negotiations in addition to the usual involvement as a mediator or arbitrator at impasse, we recognize that our view differs from conventional wisdom. Our belief stems, not only from our own experiences, but also from the work of behavioral scientists who have examined the role and effectiveness of third parties in intergroup conflict. Deutsch, for example, has described the following seven functions of third-party intervention that indicate the roles a neutral can play (see Bibliography).

1. *Helping the conflicting parties identify and confront the issues in the conflict.* Under conditions of conflict and competition, the parties' perceptions of the issues producing conflict (that is, the substance of negotiations) often become clouded. Indeed, the distributive bargaining tactics of minimizing communications and restricting information flow about each team's position help create that situation. The remedy is to improve the parties' understanding of the issues and the facts behind the issues. This is difficult to implement because it may require reversing restrictions on communication and information flow. A neutral can also help the parties confront volatile issues that they might be unwilling to discuss except in the presence of a supportive third party who can ensure that conflict generated by the discussion will not be permitted to escalate and become uncontrollable.
2. *Helping provide favorable circumstances and conditions for confronting the issues.* A neutral can increase or decrease the pressure

on the parties to agree by controlling their interaction in a number of ways. He or she can remove the negotiators from their traditional settings to a neutral location. Distractions can be eliminated, communications to the media can be controlled, and public pressure can be brought to bear on the parties when necessary. When necessary, parties can be separated to allow them to "cool off," or brought together again when they have not recently met. By controlling information exchanges between teams, a neutral can prevent them from exchanging threats or other communications that might inhibit their progress. A third party can also assist parties in making concessions without losing face.

3. *Helping remove blocks and distortions in the communications process so that mutual understanding may develop.* By serving as the communications link between parties, a neutral can defuse and/or minimize the influence of personality conflicts or misunderstandings created by attributions. A neutral can also provide training to parties so that they can overcome the distortions in communications ordinarily caused by conflict.
4. *Helping establish norms for rational interaction, such as mutual respect, open communications, using persuasion rather than coercion, and reaching a mutually satisfying agreement.* A neutral can be a powerful force in helping both parties accept rules and behave fairly even in the midst of great conflict. A neutral can instruct parties in more appropriate verbal behavior and help them understand the effect of their own rhetoric on the other side.
5. *Helping determine what kinds of solutions are possible.* A neutral can encourage parties to substitute integrative, problem-solving tactics for their previous reliance on distributive tactics. By assessing the expectations of the other side, a neutral can help parties explore solutions that they themselves have created as well as create new solutions on which the parties have not yet developed fixed positions. This function requires imagination and experience. But by focusing on items on the bargaining agenda with high integrative potential, a neutral can often set the parties on the road toward settlement.
6. *Helping make a workable agreement acceptable to the parties in conflict.* One of the most difficult tasks of a neutral is to get parties to move away from positions to which they have become publicly, and therefore strongly, committed. This is sometimes accomplished by a neutral finding a compromise that is acceptable and will not cause either side to lose face with its constituency. This is often effective because recommendations by a third party are easier to accept than those made by an opponent. A third party can also serve as a scapegoat, allowing the bargaining teams to abandon positions that they recognize to be untenable, while at the same time blaming their change in position on the neutral. In other cases, a neutral can help devise new solutions and suggest how both teams can better serve the interests of the constituency.
7. *Helping make the negotiations and agreements that are reached seem prestigeful and attractive to interested audiences, especially the groups represented by the negotiators.* A neutral must be sensitive to potential intraorganizational bargaining problems between negotiators and their respective constituencies. A third party can help support the development of internal consensus by publicly lauding the negotiating skills of the parties and the quality of the settlement in relation to the economic and organizational realities from which the settlement was derived. Contrasting the settlement with similar agreements made elsewhere is one way that a neutral can help reduce the unrealistic aspirations of constituencies and thereby make a contract more attractive.

Using a neutral in situations other than impasse will often require a financial investment by the parties, since public agencies usually provide only crisis intervention. But the fiscal commitment involved is usually minor compared with the value of an improved relationship and avoiding the severe organizational, psychological, and often financial costs of reaching an impasse.

Whether the parties agree to use a neutral before, during, or after bargaining, we think it is desirable for all parties to agree that any of them (including the neutral) can terminate the relationship at any time. This assures the parties of retaining control of the bargaining process, and it assures a neutral that a nonproductive relationship can be ended if necessary.

In conflicts arising from negotiations, it is all too easy to lose sight of available resources that might prove useful. When things become difficult, do not forget that there may be help out there. Using a neutral is not a sign of weakness; it is rather a signal that the parties are committed to developing fair and mutually beneficial outcomes.

Practicing New Skills

Having progressed thus far in this guide, you now have a basic understanding of the theory of MGB. If you have engaged in some of the exercises we have suggested, you can probably appreciate how using MGB techniques further increases your understanding of the process. Based on our experiences in the MGB workshop, we believe that it is highly desirable for the theory and skills gained from reading and exercises to be reinforced by having both teams participate in a well-designed collective bargaining experience. This experience should require the teams to bargain over simulated contract provisions that reasonably reflect the complexity and ambiguity of real bargaining the teams have experienced. At the same time, the positions should be focused and structured enough to facilitate practicing new skills and understandings.

This section is designed to assist those interested in developing such simulation materials for training purposes. The exercise we designed for the MGB workshop was developed after reviewing materials received from each campus, including interviews with members of the bargaining teams. We are not presenting here the simulation developed for our workshop, since we believe that each exercise should be responsive to the particular background and needs of the participants. Instead, we shall discuss the learning objectives and design characteristics of the simulation; these ideas should prove useful for those wishing to create their own materials.

The bargaining simulation has a number of objectives

- To expose participants to the negotiations process and provide an orientation to, and appreciation of, its dynamics.
- To provide participants with an understanding of the tactics and strategies required for preparing and conducting negotiations using MGB techniques.
- To develop an understanding of the use of third parties as part of the negotiations process.
- To provide participants with an understanding of horizontal, vertical, and internal bargaining structures, dynamics, and interactions.
- To strengthen the development of bargaining teams by providing a stressful yet risk-free opportunity for members to work constructively together.
- To strengthen the development of campus bargaining by giving teams an opportunity to work together.

To achieve these objectives most effectively, we believe that a neutral third party should help design and coordinate the training exercise so that feedback can be provided to the participants. Trained instructors, using video cameras and monitors, if available, can help the parties understand and interpret their negotiating behaviors.

We offer several other suggestions based upon our own experiences.

1. To maximize the training effect, the union and administration bargaining teams should carry out their usual functions. In addition to regular team members, it may also be useful to involve as members of their respective teams (but not as chief negotiators) such people as the campus or union president. This will give these principals more insight into the bargaining process and provide additional support for MGB when contract negotiations actually take place on campus. (We should point out that under certain circumstances, involving campus or union presidents in the simulation may prove to be disfunctional. An experienced neutral should be able to advise teams on whether such participation is desirable based on an understanding of the dynamics of governance and bargaining processes on your campus.)
2. The simulation should be more concerned with the *process* of negotiations than with what is being actually negotiated. Therefore, the context of the simulation should be simple, and the number and type of issues limited. Both the context and the content should be highly relevant to the members of the bargaining team. We suggest that the bargaining agenda should include
   - Five to nine items under negotiation, with readily definable alternative union and administration positions (our simulation assumed that the parties had already started bargaining and after exchanging the first round of demands and initial responses had decided to experiment with MGB approaches). The purpose of limiting the number of items is to focus attention on the *process*.
   - A mixture of items that have both problem-solving and distributive (competitive) potential in order to permit a maximum opportunity for MGB.
   - Issues on the bargaining agenda that are related to contemporary problems in higher education.
3. The time available for negotiations should be clearly indicated in advance. We believe that five hours is sufficient. They may occur sequentially or over two days.
4. The parties should be instructed to stay within the open issues.

5. At the conclusion of negotiations, each team should be asked to summarize its organization, its negotiation tactics and strategies, and the outcomes of the negotiations using the following questions as a guide (reviewing and analyzing video tapes is also recommended if available):
   - Did you settle? If not, why not?
   - What were the terms of your agreement?
   - What MGB structures/processes did you try to use?
   - To what extent were the structures/processes the same or different than those you normally use in negotiations?
   - Were your negotiations successful or not?
   - Were you personally satisfied with the processes? Outcomes?
   - What impeded progress?
   - What facilitated progress?
   - What did you do in the simulation that was *successful* but that you usually do not do in real negotiations? How can you adopt this technique so that it can be used in your next round of bargaining?
   - What did you do that was *unsuccessful* in the simulation and that you also do in real negotiations? How can you avoid this practice in your next round of negotiations?

We Need Your Help

We think that MGB techniques help bargainers who wish to use the conflict inherent in negotiations for constructive purposes. Similar approaches have been found effective in other settings, and our own experiences in working with colleges suggest that they can be extremely helpful in academic institutions. But since this is a new program, we recognize that even as we teach others, we ourselves are learning.

We have to learn more about those aspects of MGB that work and do not work in institutions with different characteristics, different bargaining histories, and subject to different environmental constraints. We therefore invite you to join us as colleagues in research. We would like to hear about your experiences with the MGB approach. Naturally, we would be delighted with reports of success and interested in those things that worked particularly well or that you think might be improved in certain ways. But it is equally important for us to hear of failures and the reasons for them. We would also like to find out from you what we should have dealt with in this guide but did not. (Our original MGB workshop program, for example, paid no attention to intraorganizational bargaining. While it is easy for us to recognize in retrospect the significance of this issue, it was only after numerous comments from participating bargaining teams that we recognized our error and amended the schedule.)

All comments and communications will be gratefully received and individually acknowledged. At your request, confidentiality will be scrupulously respected. If appropriate (and with your permission), your material will be cited should we revise this book or prepare a related document. We are interested in your letters, anecdotal material, newspaper accounts, copies of campus memos, and anything else that will help us understand and improve the MGB approach. We know of one campus using MGB where a member of the bargaining team made complete notes and may be able to develop a case study of the process and its outcomes. We are eagerly looking forward to this study and are particularly interested in other carefully documented case histories.

In this endeavor, as in all other aspects of MGB, we believe that by working together as colleagues we can improve our processes, our institutions, and ourselves.

Appendix A

Academic Bargaining Questionnaire
Sample Cover Memo for Campus Distribution

Teachers College • Columbia University

INSTITUTE OF HIGHER EDUCATION

Academic Bargaining Questionnaire

This questionnaire is designed to collect information about your campus, and about the relationship between the faculty union and administration of your institution. It is part of a program in which your administration and union are working together to increase the benefits of academic bargaining.

Your answers will be completely confidential. The questionnaire is anonymous, and no one at your college will see the responses of any individual. Group summaries of some items will be reported to administration and union bargainers to assist them in improving their bargaining relationship.

Thank you for your cooperation.

Part A

Please indicate the extent to which you agree or disagree with each of the following statements about your institution in general. Circle one response for each item.

	Strongly disagree	Disagree	Neither disagree nor agree	Agree	Strongly agree
1) The institution is currently doing a successful job in achieving most of its goals	1	2	3	4	5
2) There is wide faculty involvement in important decisions about the way the institution is run	1	2	3	4	5
3) Administrators believe that the faculty as a group are well-qualified and effective	1	2	3	4	5
4) The administration keeps the basic educational goals of the institution in mind when it makes decisions	1	2	3	4	5
5) I would probably be more satisfied working at another college or university	1	2	3	4	5
6) Disagreements on the campus are often resolved by having the stronger group impose its wishes on the weaker one	1	2	3	4	5
7) Faculty and administrators place the interests of the institution ahead of their self-interest	1	2	3	4	5
8) The institution tends to be dominated by an "official" point of view	1	2	3	4	5
9) Most faculty consider the senior administrators on campus to be able and competent	1	2	3	4	5
10) The processes by which the administration allocates budget and other resources are generally fair and effective	1	2	3	4	5
11) In general, faculty morale is high	1	2	3	4	5
12) Infighting, backbiting, and the like seem to be more the rule around here than the exception	1	2	3	4	5
13) There is a strong sense of community, a feeling of shared interests and purposes at the institution	1	2	3	4	5
14) Governance of the institution is clearly in the hands of the administration	1	2	3	4	5
15) Generally speaking, communication between the faculty and administration is poor	1	2	3	4	5
16) The administration is truly concerned with the faculty's welfare	1	2	3	4	5
17) All things considered, this institution is a good place to work	1	2	3	4	5
18) Groups on campus just don't cooperate with each other	1	2	3	4	5

Part B

Each of the following items has three statements about an academic bargaining relationship. For each item please circle the ONE statement that you believe BEST describes the relationship that exists on YOUR campus. If none of the statements is completely accurate, or if more than one is accurate, please select the ONE that comes CLOSEST. Please respond to every item.

The first set of items refers to the ADMINISTRATION.

1) The ADMINISTRATION is willing to negotiate: (circle one)
   a. only about a limited range of issues 1
   b. about a reasonable range of issues 2
   c. about any issue of concern to the union 3

2) The bargaining positions of the ADMINISTRATION: (circle one)
   a. are reasonable, but mostly benefit the administration 1
   b. usually reflect concern for the union's problems 2
   c. are often unreasonable 3

3) The ADMINISTRATION usually responds to union bargaining demands by: (circle one)
   a. trying to work with the union to find creative ways of meeting the union's needs 1
   b. opposing union demands even when they have merit 2
   c. agreeing to reasonable union demands in exchange for union concessions 3

4) When there is strong disagreement in bargaining, the ADMINISTRATION is likely to: (circle one)
   a. use unfair tactics to pressure the union to accept the administration positions 1
   b. try to find fair compromises 2
   c. spend time trying to understand the reasons behind the union's positions 3

5) As a general rule, once bargaining is completed ADMINISTRATION officials are likely to initiate contact with union officials: (circle one)
   a. infrequently 1
   b. occasionally 2
   c. frequently 3

6) In general, the ADMINISTRATION treats the union as: (circle one)
   a. competitors 1
   b. colleagues 2
   c. enemies 3

7) The ADMINISTRATION often deals with grievances by: (circle one)
   a. agreeing to a fair resolution even if it requires the administration to "bend" the contract a little 1
   b. rejecting grievances even when they have merit 2
   c. following contractual procedures to the letter, even if the outcomes are unfair to the union 3

8) The ADMINISTRATION is willing to discuss issues with the union: (circle one)
   a. during contract negotiations only 1
   b. at scheduled sessions between contract negotiations 2
   c. at any time the union sees a problem emerging 3

9) When asked at the bargaining table for data, the ADMINISTRATION is likely to: (circle one)
   a. provide limited information when pressed by the union 1
   b. share all relevant information with the union 2
   c. refuse to provide information to the union 3

10) After the contract is signed, the ADMINISTRATION: (circle one)
   a. treats the contract flexibly to meet emerging union-administration needs 1
   b. often does not live up to its agreements 2
   c. does just what the contract requires—no more and no less 3

11) When presented by the union with new bargaining ideas, the ADMINISTRATION is likely to: (circle one)
   a. respond by ridiculing the new ideas 1
   b. refute the new ideas by arguing against them 2
   c. suggest further meetings to discuss the new ideas in greater detail 3

12) Communications by the ADMINISTRATION to the union are usually: (circle one)
   a. ambiguous 1
   b. accurate 2
   c. inaccurate 3

The second set of items refers to the UNION.

13) The UNION is willing to negotiate: (circle one)
   a. only about a limited range of issues 1
   b. about a reasonable range of issues 2
   c. about any issue of concern to the administration 3

14) The bargaining positions of the UNION: (circle one)
   a. are reasonable, but mostly benefit the union 1
   b. usually reflect concern for the administration's problems 2
   c. are often unreasonable 3

15) The UNION usually responds to administration bargaining demands by: (circle one)
   a. trying to work with the administration to find creative ways of meeting the administration's needs 1
   b. opposing administration demands even when they have merit 2
   c. agreeing to reasonable administration demands in exchange for administrative concessions 3

16) When there is strong disagreement in bargaining, the UNION is likely to: (circle one)
   a. use unfair tactics to pressure the administration to accept the union positions 1
   b. try to find fair compromises 2
   c. spend time trying to understand the reasons behind the administration's positions 3

17) As a general rule, once bargaining is completed UNION officials are likely to initiate contact with administration officials: (circle one)
   a. infrequently 1
   b. occasionally 2
   c. frequently 3

18) In general, the UNION treats the administration as: (circle one)
   a. competitors 1
   b. colleagues 2
   c. enemies 3

19) The UNION often deals with grievances by: (circle one)
   a. agreeing to a fair resolution even if it requires the union to "bend" the contract a little 1
   b. supporting grievances even when they have no merit 2
   c. following contractual procedures to the letter, even if the outcomes are unfair to the administration 3

20. The UNION is willing to discuss issues with the administration: (circle one)
   a. during contract negotiations only 1
   b. at scheduled sessions between contract negotiations 2
   c. at any time the administration sees a problem emerging 3

21. When asked at the bargaining table for data, the UNION is likely to: (circle one)
   a. provide limited information when pressed by the administration 1
   b. share all relevant information with the administration 2
   c. refuse to provide information to the administration 3

22) After the contract is signed, the UNION: (circle one)
   a. treats the contract flexibly to meet emerging union-administration needs 1
   b. often does not live up to its agreements 2
   c. does just what the contract requires—no more and no less 3

23) When presented by the administration with new bargaining ideas, the UNION is likely to: (circle one)
   a. respond by ridiculing the new ideas 1
   b. refute the new ideas by arguing against them 2
   c. suggest further meetings to discuss the new ideas in greater detail 3

24) Communications by the UNION to the administration are usually: (circle one)
   a. ambiguous 1
   b. accurate 2
   c. inaccurate 3

Part C **Thinking about how bargaining is conducted at your institution, please indicate the extent to which the following have changed as a result of the last faculty negotiations (if you are about to enter your first negotiations, think about how they have changed as a result of the representational election process).**

	Greatly decreased	Decreased	No change	Increased	Greatly increased
1. Union trust in the administration has	1	2	3	4	5
2. Administration trust in the union has	1	2	3	4	5
3. Union understanding of administration concerns has	1	2	3	4	5
4. Administration understanding of union concerns has	1	2	3	4	5
5. Adversarial relationships between the union and administration have	1	2	3	4	5
6. Frequency of communications between the union and administration has	1	2	3	4	5
7. Misunderstandings between the union and the administration have	1	2	3	4	5
8. Cooperation between the union and administration has	1	2	3	4	5
9. Union understanding of the college's problems has	1	2	3	4	5
10. Administration understanding of the college's problems has	1	2	3	4	5
11. Willingness of the union and administration to work together to solve mutual problems has	1	2	3	4	5

Part D **Most bargaining relationships can be improved, leading to greater benefits to both sides. Please indicate any steps that the administration or union on your campus could take to make bargaining better.**

The ADMINISTRATION could:

A. _____

B. _____

C. _____

D. _____

E. _____

The UNION could:

F. _____

G. _____

H. _____

I. _____

J. _____

Part E **Please circle one answer.**

1. What is your present status at the college?
   a. Administrator (outside faculty bargaining unit) 1
   b. Teacher or other member of faculty bargaining unit 2
   c. Other (identify)_____ 3

Sample Cover Memo for Campus Distribution

(Sample memo to faculty and administrators asked to complete the ABQ prior to the MGB workshop)

Date: November 11, 1983

To: Members of the Academic Community

From: Mary Leader, President
Huxley College

John Allworthy, President
Huxley College Faculty Association

The attached questionnaire is part of a project to improve academic bargaining in which both the college administration and the faculty association are participating.

Members of the administration and union bargaining teams will shortly be attending a week-long workshop on Mutual Gains Bargaining being offered for colleges and universities by Teachers College, Columbia University, with support from the federal Fund for the Improvement of Postsecondary Education (FIPSE). As part of the workshop, Teachers College will help bargaining teams use computer-generated summaries of the questionnaire to assess campus climate and existing bargaining relationships and develop new ways of working together to achieve common objectives.

We hope you will agree to help us by completing the questionnaire and returning it in the enclosed envelope to the Office of Institutional Research no later than November 23, 1983. Responses, still in their sealed envelopes, will be sent by the director of Institutional Research directly to Teachers College, and no one on campus will see any individual questionnaire. Since the questionnaire is being sent to only a sample of faculty and administrators, every response is important.

We urge you to complete and return the questionnaire as soon as possible. It will be of great value to us in our collaborative activities at the workshop and will help us in our mutual desire to make academic bargaining more productive for both faculty and administration.

Appendix B

Reporting the Academic Bargaining Questionnaire Results

Mutual Gains Bargaining

Institute for Higher Education
Teachers College, Columbia University

Summary Report
Academic Bargaining Questionnaire

Institution

HUXLEY COLLEGE

January, 1985

Date of Administration

Sample

Administration

100% Sample

Faculty

50% Sample

Responses

	Number	Per Cent
Faculty	84	56%
Administration	35	72%

Report of: INSTITUTIONAL CLIMATE

"PURPOSE"		% DISAGREE	% NEITHER	% AGREE
The institution is currently doing a successful job in achieving most of its goals	ADM	4	18	78
	FAC	8	24	67
Faculty and administrators place the interests of the institution ahead of their self interests	ADM	57	13	30
	FAC	33	44	23
There is a strong sense of community, a feeling of shared interests and purposes at the institution	ADM	44	26	30
	FAC	54	25	21
"STRUCTURE"		**% DISAGREE**	**% NEITHER**	**% AGREE**
There is wide faculty involvement in important decisions about the way the institution is run	ADM	52	26	22
	FAC	76	16	8
The institution tends [not] to be dominated by an "official" point of view	ADM	44	17	39
	FAC	62	25	14
Governance of the institution is [not] clearly in the hands of the administration	ADM	65	22	13
	FAC	87	8	5
"RELATIONSHIPS"		**% DISAGREE**	**% NEITHER**	**% AGREE**
Administrators believe that the faculty as a group are well-qualified and effective	ADM	30	9	61
	FAC	27	31	42
Most faculty consider the senior administrators on campus to be able and competent	ADM	35	35	30
	FAC	33	24	43
Generally speaking, communication between the faculty and the administration is [not] poor	ADM	26	17	43
	FAC	50	21	29

Report Of: INSTITUTIONAL CLIMATE

"LEADERSHIP"		% DISAGREE	% NEITHER	% AGREE
The administration keeps the basic educational goals of the institution in mind when it makes decisions	ADM	17	13	(70)
	FAC	(39)	25	36
The processes by which the administration allocates budget and other resources is generally fair and effective	ADM	39	9	(52)
	FAC	(57)	19	25
The administration is truly concerned with the faculty's welfare	ADM	9	30	(61)
	FAC	(44)	38	18
"REWARDS"		% DISAGREE	% NEITHER	% AGREE
I would probably [not] be more satisfied working at another college or university	ADM	4	30	(69)
	FAC	9	35	(57)
In general, faculty morale is high	ADM	(44)	22	35
	FAC	(43)	33	24
All things considered, this institution is a good place to work	ADM	4	13	(83)
	FAC	4	19	(77)
"CONFLICT"		% DISAGREE	% NEITHER	% AGREE
Disagreements on the campus are [not] often resolved by having the stronger group impose its wishes on the weaker one	ADM	(52)	4	44
	FAC	(59)	31	11
Infighting, backbiting and the like [do not] seem to be more the rule around here than the exception	ADM	35	13	(52)
	FAC	34	30	(36)
Groups on campus [do] cooperate with each other	ADM	26	22	(52)
	FAC	(40)	35	24

Report of: BARGAINING RELATIONSHIPS		ADVERSARIAL	COMPETITIVE	COLLABORATIVE
		(limited)	(reasonable)	(anything)
The Administration is willing to negotiate	ADM	26	(52)	22
	FAC	(55)	43	2
The Union is willing to negotiate	ADM	26	(61)	13
	FAC	16	(68)	17
		(unreasonable)	(self-benefit)	(other-benefit)
The bargaining positions of the Administration	ADM	9	(48)	44
	FAC	(48)	(48)	4
The bargaining positions of the Union	ADM	26	(70)	4
	FAC	7	(76)	17
		(opposing)	(exchanging)	(flexible)
The Administration usually responds to Union demands by	ADM	13	(57)	30
	FAC	(62)	33	5
The Union usually responds to Administration demands by	ADM	22	(70)	8
	FAC	9	(59)	43
		(unfair tactics)	(compromise)	(seeks reasons)
When there is strong disagreement in bargaining the Administration is likely to	ADM	14	(50)	36
	FAC	(79)	18	3
When there is strong disagreement in bargaining the Union is likely to	ADM	(48)	44	9
	FAC	16	(61)	24

Report of: BARGAINING RELATIONSHIPS		ADVERSARIAL	COMPETITIVE	COLLABORATIVE
		(infrequently)	(occasionally)	(frequently)
As a general rule, once bargaining is completed the Administration is likely to initiate contact with Union officials	ADM	33	(49)	18
	FAC	(47)	46	7
As a general rule, once bargaining is completed the Union is likely to initiate contact with Administration officials	ADM	15	33	(52)
	FAC	9	40	(51)
		(enemies)	(competitors)	(colleagues)
In general, the Administration treats the Union as	ADM	21	36	(42)
	FAC	35	(49)	16
In general, the Union treats the Administration as	ADM	30	(46)	24
	FAC	15	(58)	27
		(rejection)	(holds to letter)	(fair resolution)
The Administration often deals with grievances by	ADM	24	27	(49)
	FAC	35	(46)	19
The Union often deals with grievances by	ADM	(46)	30	24
	FAC	24	28	(49)
		(negot. only)	(scheduled sessions)	(any time)
The Administration is willing to discuss issues with the Union	ADM	22	34	(44)
	FAC	(46)	42	12
The Union is willing to discuss issues with the Administration	ADM	15	(46)	39
	FAC	5	29	(66)

Report of: BARGAINING RELATIONSHIPS		ADVERSARIAL	COMPETITIVE	COLLABORATIVE
		(refuse info)	(limited info)	(share all relevant)
When asked at the bargaining table for data, the Administration is likely to	ADM	0	57	44
	FAC	20	78	3
When asked at the bargaining table for data, the Union is likely to	ADM	0	68	32
	FAC	0	27	74
		(does not live up to)	(only as required)	(flexible)
After the contract is signed, the Administration	ADM	9	35	57
	FAC	10	71	19
After the contract is signed, the Union	ADM	9	68	23
	FAC	1	55	43
		(ridicule)	(refute)	(meet to discuss)
When presented by the Union with new bargaining ideas, the Administration is likely to	ADM	4	26	70
	FAC	15	61	25
When presented by the Administration with new bargaining ideas, the Union is likely to	ADM	0	59	41
	FAC	6	17	77
		(inaccurate)	(ambiguous)	(accurate)
Communications by the Administration to the Union are usually	ADM	0	26	74
	FAC	12	63	25
Communications by the Union to the Administration are usually	ADM	18	46	36
	FAC	1	25	73

Report of: LAST BARGAINING CYCLE		DECREASED	NO CHANGE	INCREASED
Union trust in the Administration has	ADM	26	55	19
	FAC	34	55	11
Administration trust in the Union has	ADM	26	52	23
	FAC	20	69	11
Union understanding of Administration concerns has	ADM	29	52	19
	FAC	12	61	28
Administration understanding of Union concerns has	ADM	10	57	33
	FAC	16	67	16
Adversarial relationships between the Union and the Administration have	ADM	19	55	26
	FAC	20	55	26
Frequency of communications between the Union and the Administration have	ADM	7	47	47
	FAC	7	56	37
Misunderstandings between the Union and the Administration has	ADM	36	45	19
	FAC	17	66	17

Report of: LAST BARGAINING CYCLE		DECREASED	NO CHANGE	INCREASED
Cooperation between the Union and the Administration has	ADM	16	(52)	32
	FAC	14	(61)	25
Union understanding of the college's problems has	ADM	26	36	(39)
	FAC	8	(52)	40
Administration understanding of the college's problems has	ADM	10	32	(58)
	FAC	14	(56)	30
Willingness of the Union and Administration to work together to solve mutual problems has	ADM	13	39	(48)
	FAC	11	(64)	26

Appendix C

Reporting Responses to Part D of the Academic Bargaining Questionnaire

Reporting Responses to Part D of the Academic Bargaining Questionnaire

The Huxley College Administration as Seen by the Administration

The HC administration could:

- Rise above their principles and move toward an advocacy relationship focused on institutional goals.
- Enlarge its field of demands to better reflect its needs.
- Be more active, less reactive.

The HC administration could:

- Spend time trying to understand the reasons behind the union's position.
- Look for creative solutions together.
- Avoid adversarial positions with the union.
- Work for the greater good of the institution as a common goal.

The HC administration could:

- Use more turnover in "old guard" whose viewpoints are self-serving.
- Have more realistic and fair compromises/more administration and union meetings.
- Hold union administration meetings during nonnegotiating year.
- Present a more demanding and assertive case to trustees.

The HC administration could:

- Short of eliminating the collective bargaining process, I doubt that much can be done.

The Huxley College Administration as Seen by the Union

The HC administration could:

- Stop their subscription to antiunion newsletters that provide information on ways of either breaking or weakening faculty and staff unions.

The HC administration could:

- Display greater leadership in directing faculty.
- Recognize the true value of higher morale in achieving common goals.
- Initiate actions and/or negotiate for higher productivity.

The HC administration could:

- Hold earlier negotiations.
- Share information.
- Develop a larger data base.
- Use mediation.

The HC administration could:

- Agree to bargain in a timely fashion rather than at will.
- Listen carefully to union's positions rather than stonewall.
- Implement contracts in a sensible and timely fashion.
- Manage faculty sensibly and sensitively—don't jerk us around.

The Huxley College Union as Seen by the Administration

The HC union could:

- Review and modify membership of groups in unit — now too diversified.
- Take a less adversarial position.
- Be more supportive of the administration.
- Attempt to maintain excellence.

The HC union could:

- Do more for the little people (instructors, etc.) rather than the full profs.
- Avoid public statements that imply/insinuate lack of administration support for the faculty.

The HC union could:

- Work for the greater good of the institution as a common goal.
- Avoid adversarial positions with the administration.

The HC union could:

- Narrow the range of issues in bargaining.
- Stop pursuing grievances that have no merit with the idea that they will win in some cases and if they try more, they'll win more.

The Huxley College Union as Seen by the Union

The HC union could:

- Concern itself more with academic excellence and standards.
- Support scholarship rather than mediocrity.

The HC union could:

- Be concerned for all faculty.
- Share information.
- Seek data before arriving at conclusions.
- Be sure about facts, not defensive in action.

The HC union could:

- More effectively rally its members together to work for a college that provides educational experiences for an increasingly larger percentage of the state's citizens, especially working-class students, minorities, and women.

The HC union could:

- We already try harder than they do.

Bibliography

Although relatively little has been written about the use of MGB in higher education, there are rich sources of related information for the interested reader. Works in such fields as labor and industrial relations, conflict resolution, game theory, the social psychology of bargaining and negotiation, organization development, organization behavior, diplomacy, and peace studies can be exceptionally useful.

We present here a selective list of books that have influenced us in developing MGB and that can provide ideas that may help you in designing your own MGB approach. (Note that there is an extensive literature on academic bargaining in general. We do not cite these works. Interested readers can obtain bibliographical materials from the National Center for the Study of Collective Bargaining in Higher Education and the Professions, Baruch College, City University of New York, 17 Lexington Avenue, Box 322, New York, New York 10010.)

Books are listed in two categories. The first category is Applications in the Field. One of the works on this list specifically refers to bargaining in academic settings; most of the others were written with industrial bargaining in mind. Although many believe that the so-called industrial model of bargaining is inappropriate in higher education, in fact the tremendously diverse experiences in many industries and work settings have provided ideas and models that have direct relevance to colleges and universities. Work in other such fields as international relations, for example, also provides insight about how contending groups reach agreement. Many of the industrial relations works listed were written during a period of renewed interest in more cooperative union–management relations about two decades ago. Although some of these works are out of print, they can be located in libraries. Their insights are as relevant today as when they were originally published.

The second category is Bargaining and Negotiating Theory. Here, we list major works by scholars who have developed important concepts in such topics as intergroup competition, attribution theory, and communications through investigations in the field or the laboratory. Many of these ideas are critical to understanding the bases for MGB.

Applications in the Field

Begin, James P., and Beal, Edwin F. *The Practice of Collective Bargaining.* 7th ed. Homewood, IL: Richard D. Irwin, 1985. A standard and comprehensive text for the new bargainer, with attention given to more constructive bargaining approaches.

Birnbaum, Robert. *Creative Academic Bargaining: Managing Conflict in the Unionized College and University.* New York: Teachers College Press, 1980. Summarizes much of the research in the applied behavioral sciences and suggests changes in conventional bargaining tactics and strategies that can make bargaining in higher education more constructive.

Blake, Robert R.; Shephard, Herbert A.; and Mouton, Jane S. *Managing Intergroup Conflict in Industry.* Houston: Gulf Publishing, 1964. Analyzes the negative effects of intergroup competition and reports the positive consequences of creating different structures and processes for intergroup interaction.

Douglas, Ann. *Industrial Peacemaking.* New York: Columbia University Press, 1962. Analyzes the behaviors of mediators and negotiators in field settings and develops a behavioral theory of the negotiating process.

Healy, James J. (ed.). *Creative Collective Bargaining.* Englewood Cliffs, NJ: Prentice-Hall, 1965. Case histories of constructive bargaining relationships existing in a number of industrial settings.

Heradstveit, Daniel. *The Arab–Israeli Conflict: Psychological Obstacles to Peace.* Norway: Universitetsforlaget, 1979. The psychology of groups in conflict.

Kochan, Thomas A.; Daniel, Mitchel J. B.; Dyer, Lee. *Industrial Relations Research in the 1970s.* Madison, WI: Industrial Relations Research Association, 1982. A summary of research and concepts over the past decade. Some chapters deal with organizational and process issues.

Simkin, William E. *Mediation and the Dynamics of Collective Bargaining.* Washington, D.C.: Bureau of National Affairs, 1971. How third parties function in industrial-bargaining settings.

Walton, R. E. *Interpersonal Peacemaking: Confrontation and Third-Party Consultation.* Reading, MA: Addison-Wesley, 1969. The role of third parties in assisting individuals and groups to confront conflict and produce positive outcomes.

Bargaining and Negotiating Theory

Coser, Lewis. *The Functions of Social Conflict.* New York: Free Press, 1956. A classic work. Suggests a new perspective for viewing the positive as well as the negative effects of intergroup conflict.

Deutsch, Morton. *The Resolution of Conflict.* New Haven, CT: Yale Univ. Press, 1973. Reports on an extensive series of laboratory experiments that indicate the costs and benefits of collaboration and competition. A rich source of ideas as well as data.

Druckman, Daniel (ed.). *Negotiations: Social–Psychological Perspectives.* Beverly Hills, CA: Sage, 1977. A series of articles summarizing current research in various aspects of the field.

Filley, Alan C. *Interpersonal Conflict Resolution.* Glenview, IL: Scott, Foresman, 1975. The dynamics of interpersonal conflict and the processes through which it can be constructively managed.

Fisher, Roger. *Getting to Yes.* New York: Lyle Stuart, 1980. Readable and accessible development of "win–win" approaches to negotiating in any setting.

Rubin, Jeffrey Z., and Brown, Bert R. *The Social Psychology of Bargaining and Negotiation.* New York: Academic Press, 1975. An extensive review and summary of social science research. Invaluable source for references and new ideas.

Walton, Richard E., and McKersie, Robert B. *A Behavioral Theory of Labor Negotiations.* New York: McGraw-Hill, 1965. The first major work to develop a behavioral orientation to labor–management relations. *The* classic work in the field and a *must* for the MGB bargainer.